United Nations CEDAW/C/PRT/5

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
15 June 2001

Original: English

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fifth periodic reports of States Parties

Portugal*

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* The present document is being issued without formal editing. For the initial report submitted by the Government of Portugal, see CEDAW/C/5/Add.31. For the second report submitted by the Government of Portugal, see CEDAW/C/13/Add.22. For the third report submitted by the Government of Portugal, see CEDAW/C/18/Add.3. For the Fourth report submitted by the Government of Portugal, see CEDAW/C/PRT/4.

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Introduction

Portugal ratified the Convention on the Elimination of all Forms of Discrimination against Women in 1980, without any reservation, being one of the first member states of the UN to do so.

This was made possible by the political and social situation of the country at the time, which had favoured the adoption of a new Political Constitution and the revision of general legislation, as well as the adoption of policies that were more in line with democratic principles.

In the follow up of the ratification of the Convention, National Evaluation Reports on its implementation were drawn up, which were analysed by the Committee, in 1986 - Initial Report - and in 1991 - II and III Periodic Reports respectively.

The IV Periodic Report was presented with some delay and its examination by the Committee was scheduled for the session of January 2002. However, taking into account that the date of presentation of the V Periodic Report already occurred in 1998, it was decided to reelaborate a joint IV and V Periodic Reports, thus trying to help the work of the Committee's experts, by looking at one text only, which brings together the information of developments occurred during the whole of the 1990's.

ARTICLES 1 and 2

1. The Constitution of the Portuguese Republic

The Constitution of the Portuguese Republic does not explicitly enunciate the principle of gender equality, but forbids all forms of discrimination (deprivation of any right or exemption from any duty) with regard to sex (art. 13).

Constitutional Law 1/97, of September 20, introduced significant alterations to the Constitution, thus creating conditions for important progress in the area of equal opportunities and non-discrimination.

The main changes are the following:

Article 9 – Fundamental Tasks of the State

A new item (h)) was added to this article , which sets out to "Promote equality for men and women", as one of these tasks. It is a very important alteration, in the sense that it requires the State to promote change, instead of simply guaranteeing the right to change.

Article 26 – Other personal rights

This article was altered and some important provisions were introduced, namely the final part of nº 1, which establishes the right to legal protection against any form of discrimination. Some of the most important changes read: "The right to personal identity, to personality development and to legal protection against any form of discrimination are recognised to all persons".

Article 59, nº1

Item b) - This article already established the right of workers to the organisation of work in socially dignifying conditions, so as to allow personal self-fulfilment; the revised version also refers to the reconciliation of professional activity with family life within the same context of organisation of work.

Article 67, nº2

The contents of items b) and d) was modified, and a new item e) was introduced; under the terms of these provisions, the Constitution of the Portuguese Republic (CPR) now establishes that it is the duty of the State to:

b) - Promote the creation and guarantee the access to a national network of childcare and other social equipment for family support, as well as a policy for the elder citizens;

d) - Guarantee, with full respect for individual freedom, the right to family planning, promoting information and access to the methods and means that may allow the exercise of conscious maternity and paternity;

e) - Regulate assisted reproduction, in such terms that safeguard the dignity of the human person.

Article 68, nº3
The right to special protection during pregnancy and in the post-partum period is extended to all women, not only those in paid work.

Article 68, nº4
This new paragraph was introduced, establishing that "the Law shall regulate the attribution to mothers and fathers of rights with regard to work leaves, for appropriate periods of time, in accordance with the interests of the child and the needs of the family".

Article 109 - Political participation of citizens
The previous text of this article referred to the "direct and active participation by citizens in political life". The present article, which was redrafted, refers explicitly to "men and women". It reads:
"The direct and active participation of men and women in political life constitutes a condition and fundamental instrument of the consolidation of the democratic system, and the law must thereby promote equality in the exercise of civic and political rights and non-discrimination with regard to gender in the access to political positions".

On the other hand, it gives the law a specific responsibility with regard to the promotion of equality in this area, allowing for the adoption of special measures of a positive nature.

2. National Mechanisms

- Decree-Law nº166/91, of May 9, set up the **Commission for Equality and Women's Rights (CEWR)**, which is the national mechanism for equality. It replaced the previous Commission on the Status of Women, created in 1977.

Its fundamental and permanent objectives are

- to promote equal opportunities, rights and dignity for women and men,
- to promote effective co-responsibility of women and men in all aspects of family, professional, social, cultural, economic and political life,
- to encourage society to regard maternity and paternity as of fundamental social importance and to accept the responsibilities resulting therefrom

Decree-Law n°3-B/96, of January 26, instituted the **High Commissioner for Equality and the Family**. In the explanatory note of the respective legislation it is stated that in the Government Program the correction of inequalities between men and women deserved special attention, because the principle of equality established in the Constitution and in the law was not in itself sufficient to guarantee equal opportunities, or a more equitable distribution in the sphere of employment and in political, economic and social power. The right to equality thus required a set of compensatory actions aimed at correcting situations of serious disparity. The High Commissioner was made responsible for

- Contributing to the effective equality of women and men at the social and family level, by putting forward compensatory policies aimed at eliminating discrimination,
- Promoting and valuing the institution of the family, by developing family policies taking into account the specific situation of its members,
- Contributing to the enjoyment of the equal dignity, opportunities and rights, on the part of citizens, by promoting initiatives with a view to the progressive elimination of discrimination,
- Monitoring the situation of children, by promoting the co-ordination of the intervention of the various competent public entities, by following up the activities of Non Governmental Organisations and supporting the formulation and implementation of policies pertaining to all aspects of childhood

According to this Decree-Law the Commission for Equality and Women's Rights was under the direction of this High Commissioner, situation that changed with the publication of Decree-Law 474-A/99, 8th November, that extinguished the High Commissioner for Equality and the Family and created a **Minister for Equality**.

In the year 2000, as a result of a change in Government structure, Decree-Law 267-A/200, 20th October, the Minister for Equality ceased to exist and the new heading of CEWR is the

Minister of Presidency, the idea behind it being the need to have equality concerns at the core of Government structure, thus allowing gender mainstreaming in all areas.

Decree-Law n°163/96, September 5, created the **National Council for the Family** under the High Commissioner for Equality and the Family. It is the responsibility of the Council to issue reports and propose measures to the competent entities with the objective, namely, of participating in the definition and implementation of global family policy, promoting and supporting the contribution of family NGO, promoting the creation of further infra-structures for family support, so as to bring those services closer to the local community, valuing the role of the families and promoting the strengthening of the family institution, and promoting initiatives which aim at the reconciliation of family life and leisure time with professional activity.

Decree-Law n 150/200, 20th July, abolished the previous Decree-Law and this Council was named National Commission of the Family and was integrated in the Ministry of Work and Solidarity, keeping the same responsibilities.

Regional Legislative Decree n°18/97/A, of November 4 (Autonomous Region of the Azores), created the **Regional Consultative Commission for the Defence of Women's Rights**.

Regional Decree n°16/97/M, of August 8 (Autonomous Region of Madeira), approved the statutes of the Regional Labour Department, which also established an **Office for Matters of Equality, European Union Labour Issues and Documentation**.

3. Policy guidelines

1994 – **Resolution of the Council of Ministers n°32/94, of May 17**

Establishes actions and measures necessary for the effective promotion of equal opportunities and for the participation of Portuguese women in all spheres of economic, social, political and professional life.

1995 – Establishment of the **Parliamentary Commission for Parity, Equal Opportunities and the Family.**

1997 – **Resolution of the Council of Ministers n°49/97, of March 6** (Annex II)
Approves the Global Plan for Equal Opportunities, which enunciates a series of political measures in various areas and introduces the perspective of equality mainstreaming.

1997 – **Dispatch n°3455/97 of the Ministry of Equipment, Planning and Territorial Administration**.
Determines that, in view of the new orientations of the present Structural Funds, measures and projects that aim to contribute to a real equality of opportunities shall be the object of priority attention. Therefore, managers of the operational programs of the II Community Support Framework and the 1994-1999 community initiatives shall include, in their Annual Implementation report, a section on the impact of the respective operational intervention on equal opportunities.

1998 - The **Resolution of the Council of Ministers n°59/98, of May 6**, approved the National Employment Plan, which includes new instruments for the promotion of equality between women and men in employment, in work and in vocational training. In the Annual Revision of the National Employment Plan, in 2000, these instruments were reinforced in Resolution n.° 81/2000 , 10th July. In 2000, the National Employment Plan 2000, included the project "Creches 2000" (Nurseries 2000). This measure gives financial support to the expansion of the equipment in the scope of the nurseries.

1999 - **Resolution of the Council of Ministers n°7/99, 9th February**, approves a Plan of a Global Policy for the Family that includes the issue of violence in the family in the general framework of human rights.

A new National Plan for Equal Opportunities is now being prepared.
Other instruments on specific areas will be mentioned under the respective articles.

4. Specific Areas

4.1 Military Service

1987 – **Law nº30/87, of July 7**, approved the principles that shall conduct military service, stipulating that all Portuguese citizens are required for this service, women being exempted of this obligation, which they will be able to render **on a voluntary basis** within a framework to be defined later.

The 1989 constitutional revision stipulated that the defence of the homeland was **a right** and a fundamental duty for all citizens (Art. 276 – Defence of the homeland, military service and civic service). This wording remained in the subsequent revisions (1992 and 1997).

In fulfilment of the constitutional provision that forbids sex discrimination ("deprivation of any right or exemption from any duty"), the admission of women in High Military Academies, as well as in all the branches of the Armed Forces was slowly undertaken. However, only the Army allows women to apply to **any of the services** of the Army. Portuguese military women took part in the peacekeeping mission in Bosnia.

1991 – **Government Order nº777/91, of August 8**, rectified by the Declaration of Rectification nº245/91, October 31, allows women to apply, on a voluntary basis, in conditions of equality with men, *for effective military service in the Air Force* in specific categories and specialities.

Government Order nº156/91, of November 11, modified by Government Order nº238/96, of July 4, allows women to volunteer *for effective military service in the Army* under the same conditions as men.

1992 – **Government Order nº163/92, of March 13**, (replaced by Government Order nº1232/93, of November 30) allows women to volunteer *for effective military service in the Navy* under the same conditions as men.

1996 – **Government Order n.238/96, of July 4**, determines that in conditions of equality with citizens of the masculine sex, citizens of the female sex can apply, on a voluntary basis, to the rendering of effective service **in any of the branches and services** of the Army.

1999 - **Decree-Law n. 236/99 of 25th June**, approves the Status for Military in the Armed Forces without any discriminations and protects maternity and paternity rights (art.93 and 100), according to the principles of the general law on maternity and paternity

2000 - **Decree-Law n. 289/2000 of 14th November**, approves the Regulation of the Military Service Law allowing women to be volunteer candidates in equal conditions to all regimes foreseen in the Regulations.
Decree-Law nº 320-A/2000 of 15th December, approving the Incentive Regulation to Military Service in terms of contract and volunteer service, allows women to benefit in equal conditions to men from all the incentives in the Regulation.

The statistical data on women in the military service is the following:

Military Service (only volunteers)	Women	Total	Feminisation (%)
Air Force	875	7 345	11,9
Army	1 620	24 959	6,5
Navy	380	11 187	3,4

4.2 Advertising

As was referred to in the II Report, in 1990, Decree-Law nº330/90, of October 23, was published, which approved the New Advertising Code. It forbids advertising that "offends human dignity" and "discriminates on the basis of race or **sex**". Changes introduced subsequently, (Decree-Law nº6/95, of July 17) are not relevant for this Report. However, in 1998 , Decree-Law n.275/98, 9th September, forbids any publicity that "contains any discrimination related to race, language, country of origin, religion or sex".

The Institute of the Consumer receives complaints and initiates court procedures, and proposes fines to the infringers. However, these procedures are very slow and frequently surpass the legal deadlines for action.

The Commission for Equality and Women's Rights has denounced various cases of advertising that offends the dignity of women, some of which were successful

4.3. Violence against women

1991 – Publication of **Law n°61/91, of August 13th, "Guarantees suitable protection for women who are victims of violence".**

This law aims at reinforcing legal protection measures for women who are victims of crimes of violence, namely the following:

- The establishment of a system of prevention and support to women victims of crimes of violence.
- The institution of a SOS service for telephone counselling of women victims of crimes of violence.
- The setting up of special sections within criminal police services in order to receive victims' complaints.
- Incentive for the creation and functioning of women's organisations aimed at the defence and protection of victims of crime.
- A system of appropriate guarantees in order to obtain the cessation of violence and the reparation of damage inflicted

The system of protection foreseen in this Law is applicable when the motivation of the crime is the result of a **discriminatory attitude towards women**, and namely covers the cases of **sexual crimes, spouse ill treatment**, as well as those of **kidnapping, abduction and corporal offences**

The possibility of applying an **injunction which will result in expelling the aggressor** from the residence where the person lives with the victim is also foreseen, when there is danger that criminal activity will continue. This measure was included in the Code of Penal Procedure, in the 1998 revision, through Law n°59/98, of August 25

1995 – Revision of the **Penal Code**, through Decree-Law n°48/95, of March 15 (rectified by the Declaration of Rectification n°73-A/95, of June 14, and modified by Law n°90/97, of July 30). For example, the crime of ill-treatment or oppression of minors, disabled persons or of

the spouse is now punishable by a prison sentence of 1 to 5 years (previously 6 months to 3 years), rape, by a prison sentence of 3 to 10 years (previously 2 to 8 years.

1998 – The Penal Code was again revised in 1998, by Law nº65/98, of September 2, where some important changes were introduced in the case of women victims of violence, namely:

- Article 152, nº2 of the same law covers and punishes the crime of ill-treatment of spouse or partner living in similar conditions to that of spouse (common law marriage). Despite the fact that criminal procedures depend on the complaint of the victim, exceptionally in this case, after this revision, it is now possible for the **Public Prosecutor to initiate criminal procedures**, if the interest of the victim so demands and there is no opposition on part of the victim before the accusation is made.
- Law n.7/2000, 27th May, changed this article making this violence against women a public offence, which means that anyone can make a complaint to the police and the investigation is mandatory.
- Article 163, nº2 and Article 164, nº2 – the new wording of these articles in the aforementioned Law, criminalizes situations of **sexual harassment in the workplace** (sexual coercion and rape, respectively), which were not covered by the previous Code.

In 1995, the CEWR commissioned a quantitative **Study** on *Violence against women in the family – characterisation of the social representations and violent practices against women*, which was carried out by the Centre for Sociological Studies of the New University of Lisbon and co-ordinated by Prof. Nelson Lourenço.

The conclusions of the study state that, among others, "psychological violence is the one which indicated higher rates, having been referred to, in the year of the survey, by more than half of Portuguese women (50.7%). This concept of violence is very broad and includes feelings of discrimination. Sexual violence appears next with 28.1%, followed by socio-cultural discrimination at a much lower rate of 14.1 %, both having occurred in the previous year. Physical violence represents the lowest incidence (6.7% in the previous year), and, unlike the case of the aforesaid forms of violence, has been decreasing over the previous

years". The study also reveals that "the family home is, of all places, the one where the practice of violence most frequently occurred – 43% of the violence occurs in this space, followed by public places at 34% and the workplace at 16% (...)". "With regard the characterisation of the perpetrators, it was verified that fundamentally they are persons of the masculine gender and that when the aggression occurs in the domestic space, the attacker is normally the husband/partner of the victim".

New studies on violence against women are being undertaken, namely one with the aim to establish the social and economic costs of violence.

1997 – The **Global Plan for Equal Opportunities** includes various measures on the prevention and combating of violence against women, aiming at the implementation of the aforementioned Law nº61/91, of August 13 (Annex I, Sector Measures, Objective 2).

The Report on the implementation of the Plan, which was published in March 1998, describes what measures were effectively adopted. These can be briefly indicated as follows:

- Various television and radio programmes on issues relating to women and equal opportunities were made,
- A Guide and a leaflet on the rights of women victims of violence were drawn-up
- A shelter for women victims of ill-treatment and their children has been set up.

By decision of the Ministry of Justice, a Free Telephone Hotline on Information for Women Victims of Violence has been set up, which now functions in the Commission for Equality and Women's Rights, North Delegation, in co-operation with an NGO that supports victims of violence (Portuguese Association for the Support to the Victim).

1998 – Following the approval of the Global Plan, the **Ministry of Internal Administration** (Home Office) developed various actions within the INOVAR Project, for the protection of victims of violence, namely women victims of domestic violence. Some of these measures were as follows:

- In some police stations, female police agents are now available to receive complaints, in order to facilitate communication.

- A brochure containing information on immediate assistance to Victims of Domestic Violence was produced and is now in distribution. It will enable women to weigh up their situation and encourage the adoption of self-defence and protection measures.
- A Handbook on how to deal with complaints of violence will be distributed to police forces, in order to establish overall norms and practices in police stations where domestic violence complaints are filed.

On March 8, 1998, the Ministry of Internal Administration determined that Urban and Rural Police Forces must register domestic violence complaints under a special designation, thereby creating the **first base for a national indicator on Domestic Violence**.

The first report containing statistical data about these complaints on domestic violence, collected by the Portuguese police forces, is already available and has information from the two last years – 1999 and 2000. Its main conclusions are the following:

- The domestic violence constitutes 3,3% of the all criminality registered in Portugal.
- The main victims are women.
- The administrative regions of Oporto and Lisbon are those in which more complaints have been registered, but the autonomous regions of Azores and Madeira are those in which there are more cases per thousand inhabitants.

The official statistics available up to now do not yet include this data, since they refer to the years before this measure was in force.
The statistics of Justice, provided by the Office of Research and Planning of the Ministry of Justice, indicate the gender of the perpetrator and of the victim but not relationship between them. The crime of "ill-treatment or oppression of minors, of subordinates or between spouses" does not indicate the status of the victim with regard to the perpetrator of the crime.

The aforementioned INOVAR project has carried out sessions of awareness-raising and training activities for the Urban and Rural Police Forces.

The Ministry of Internal Administration has also produced a videotape that was distributed to the Urban and Rural Police Forces on the Protection and Support of victims of violence, namely, women victims of domestic violence and rape.

The Commission for Equality and Women's Rights ensured special training sessions on violence against women, that were included in the courses taken by police recruits (between 1994 and 1996)

The national mechanism for equality, the Commission for Equality and Women's Rights (CEWR), maintains a free legal information and counselling service. Also available in the CEWR is the Free Telephone Hotline for women victims of violence, as mentioned before

1998 – By means of the **reform of the forensic medical system** (Decree-Law n°11/98, of January 24), it is now possible to file a complaint in the forensic medical services (article 41), with immediate examination for the collection of evidence of the crime, with the consequent reinforcement of forensic medical expertise and of the efficacy of criminal investigation

1999 – Resolution of the Council of Ministers n 55/99, 15th June, approved a National Plan to Fight Domestic Violence the objectives of which are to sensitise, prevent and act for the protection of the victim of domestic violence as well as study and research this issue

Law n 107/99, 3rd August, establishes general rules for the establishment of a public network of women shelters, implemented by the Government. This network is now being established, including NGO

Law n 129/99, 20th August established the State gives compensation to victims from domestic violence in those cases where the aggressor is a member of the family household, in cases of extreme need. The victim will have to file a complaint and will be able to require compensation during a period of 6 months counting from the occurrence of the incident. The State will pay out the "monthly equivalent to the national minimum wage, for a period of 3 months, renewable for the same period of time". The objective is, through this process, to enable women to leave home with enough means of subsistence, and to give incentives for the filing of complaints

Official data or other on the practice of **female genital mutilation** does not exist. This practice is not specifically covered in the Portuguese Penal Code. There are various articles which condemn offences to physical integrity, namely article 144, which states "Whoever

offends the body or health of another person in such a way that a) it deprives the person of an important organ or body part, or disfigures it seriously or permanently, b) it abolishes or affects, in a serious manner, work capacity, intellectual or reproductive capacities, or the **faculty of using one's body, senses** or speech, ... is punished by a prison sentence of 2 to 10 years" Article 146, which refers to offences to qualified physical integrity, establishes an aggravation of a third of the minimum and maximum limits of the applicable sentences in some cases of offences against physical integrity, if they were inflicted, in circumstances that indicate special censurability or perversity of the perpetrator.

The penal law regulates, in detail, the circumstances in which medical-surgical interventions and treatments are, or not, considered crimes.

Incest is not considered a crime in Portuguese Law. However, in the penal sphere, if incest occurs, the applicable sentence in crimes against sexual self-determination is increased (by a third, in the minimum and maximum limits according to article 177, n°1, paragraph a). Equally, where there is incest and in the case of the victim being a minor, it can lead to the inhibition of parental power (article 179).

In Portugal there are some **NGO that offer support to women victims of violence**

- The Women's Association against Violence - gives legal and psychological support to victims of violence and rape.
- The Portuguese Association of Support to the Victim – gives legal and psychological support, temporary shelter and emergency financial support to victims of violence. There are 11 Counselling Centres functioning throughout the country.
- The Movement for the Social Emancipation of Portuguese Women – gives legal and psychological support to victims of violence. It has also opened a Counselling Centre in the Autonomous Region of the Azores.

The INOVAR Project works in close co-operation with the CEWR and with the Women's Association against Violence in the support of victims of domestic violence.

In Portugal there are a few temporary shelters for women victims of violence and their children (S. Miguel – Azores, Lisbon, Coimbra, Évora) and shelters for homeless young single mothers (3 in Lisbon), managed by private institutions of a social or religious

character. A shelter in Lisbon will be opened soon, by official initiative, stemming from the Global Plan, which will be technically managed by the Women's Association against Violence.

4.4. Women's Organisations

1988 – **Law n°95/88, of August 17**, on the "Guarantee of the rights of Women's Organisations" defined the constitution of "women's organisations" and established the principles of the activities and participation in women's organisations. The objective is the elimination of all forms of discrimination and the promotion of equality between women and men.

1997 – **Law n°10/97, of May 12**, reinforces the rights of Women's Organisations with the objective of eliminating all forms of discrimination and securing the right to equal treatment.

1998 – **Decree-Law n°246/98**, of August 11, regulates the form of exercise of the rights of Women's Organisations, namely the procedure for recognition of generic representativity, the means of technical and financial support and the registration of Women's Organisations.

1999 – **Law n°37/99, of 26th May**, changes Decree-Law n 246/98 of 11th August, namely in terms of State support to women's organisations, and Law n 128/99 of 20th August extends new rights to women's associations as a whole. These rights include giving Women's NGO the status of social partners, which means they are represented in the Economic and Social Council and have a right to some space in the public media.

4.5 Work and Employment

1997 – Law n°105/97, of September 13, reinforced guarantees in the field of equality at work and in employment, in order to cover insufficiencies which had been demonstrated in practice, namely by:

- defining the concept of indirect discrimination,
- exemplifying cases suggesting discrimination,
- conferring the right to proceed on the part of trade unions, independently from the worker or the job applicant,
- widening the reversal of the burden of proof,
- imposing that the documentation pertaining to all recruitments be filed,
- increasing the sanctions in case of non-compliance of the substantive legislation,
- conferring new attributions to the Commission for Equality in Work and Employment (CEWE)

In July 1999 the revision of the law on protection of maternity and paternity **(Law n. 142/99, of the 31th of August 1999**, was published, and **Decree-Law no. 70/2000, 4th of May** republished it Annex) New rights for fathers, including 100% paid paternity leave, were recognised with several purposes:

a) to break the stereotypes on gender roles, creating better conditions for a gender contract on equal terms and equal share of remunerated and unremunerated work,
b) to increase in value the role of mail workers as fathers, struggling against the discrimination they suffer in family life,
- , independently from the worker or the job applicant,
- widening the inversion of the burden of proof,
- imposing that the documentation pertaining to all recruitments be filed,
- increasing the sanctions in case of non-compliance of the substantive legislation,
- conferring new attributions to the Commission for Equality in Work and Employment (CEWE)

a) to break the stereotypes on gender roles, creating better conditions for a gender contract on equal terms and equal share of remunerated and unremunerated work;
b) to increase in value the role of mail workers as fathers, struggling against the discrimination they suffer in family life,
c) to create better conditions for women in the labour market, combating the discrimination they suffer as workers and candidates to employment on the grounds of maternity and family responsibilities.

Law Decrees n. 77/2000, of the 9th of May, and n. 230/2000, of the 23rd of September, developed the new law on social security and labour norms.

- The new legislation on labour sanctions **(Law Decrees no. 116/99, of 4th of August and no. 118/99, of the 11th of August)** entered into force in December 1999 and included more severe sanctions on gender discrimination, specially on access to employment, pay discrimination and violation of the law protecting pregnancy of female workers.

The National Action Plan on Employment includes positive actions to desegregate the labour market in order to compensate the under represented gender (Regulation no. 1212/2000 of the 26th of December).

This revised law reinforced the protection against dismissal of pregnant female workers and recent mothers, namely by the prescription of nullity of any dismissal of a woman in one of this circumstances without the favourable opinion of the Commission for Equality in Work and Employment (CEWE).

Decree-Law n.77/2000, of the 9th of May, and n. 230/2000, of the 23rd of September, developed the new law on social security and labour norms, including flexible timetables.

- The new legislation on labour sanctions (Law Decrees no. 116/99, of 4th of August and no. 118/99, of the 11th of August) entered into force in December 1999 and included more severe sanctions on gender discrimination, specially on access to employment, pay discrimination and violation of the law protecting pregnancy of female workers.

The National Action Plan on Employment includes positive actions to desegregate the labour market in order to compensate the under represented gender (Regulation no. 1212/2000 of the 26th of December).

4.6 Women and Culture

In the scope of a European project that covered several countries, a study was conducted on the field of professional women in arts and media. It's results showed that there are 33.8% of women in performing arts, 38.2% in visual arts and 33.6% women authors.54.5% of museums and archives professional are also women and they represent 67.8% in the librarian profession (1991 data). In the media, women are 32.8% of the total professionals. The number of women has been growing steadily in the last decade.

4.7 Migrant and minority women

Taking into account the importance of immigration flows with destination to Portugal during the nineties, and the increase of female residents, this report will include some measures related with immigrants aiming to fight against discrimination and to promote social integration.

The Portuguese Constitutional Law, in its article 15, says that foreigners have the same rights and duties as the Portuguese citizens, and the principle that no distinction may be made on the basis of origin, race, religious belief, political ideas, race or sex is applicable to all immigrants .

In what concerns political participation, the foreign citizens have the possibility, on a reciprocity basis, to vote or to be elected in local elections.

Some mechanisms were created to deal with these matters:

Decree-Law n.3-A/96, of 26th January – Creation of the High Commissioner for Immigration and Ethnic Minorities, which functions as a link between central and local public administration departments (including police forces), immigrant's associations, non-governmental organisations and social partners, "collecting" needs in order to propose and promote appropriate measures towards social integration and fight against racism and xenophobia;

Decree-Law n.39/98, of 27th February – Creation, within the scope of the High Commissioner for Immigration and Ethnic Minorities, of a Consultative Commission for Immigration Affairs, aiming the involvement of representative immigrant associations in policy-making, giving them the opportunity to take responsibility for making decisions relevant to their concerns. The competencies of this Commission were reinforced by Law 115/99, of 3rd August and it played an important role during the debate about the changes to introduce in the regulation of entry, stay, departure and expulsion of foreign citizens (published in January 2001)

Decree-Law n.134/99 of 28th August – Creation of the Commission for Equality and Against Racial Discrimination, presided by the High Commissioner for Immigration and Ethnic Minorities, to supervise the application of the legal administrative provisions against discriminatory practices and attitudes and charged to collect information and to report about the situation concerning discrimination, racial discrimination included

Regulation nº 63/91, of 13th March – Creation of the "Secretariado Coordenador dos Programas de Educação Multicultural – ENTRECULTURAS" (Co-ordination Secretariat for Programmes of Multicultural Education), to promote and co-ordinate, within the educational system, projects aiming to develop a multicultural mentality and to prepare the scholar population (teachers, students and parents) to the diversity and tolerance

As regards to working conditions, foreign nationals who are legally entitled to reside in Portugal enjoy the same working conditions as Portuguese workers in the exercise of their professional activity.

Their guarantees were reinforced by **Law n.20/98 of 12th May**, which increases the penalties to the employers who do not assure all the conditions to their foreign employees, and by Law n 134/99 of 28th August and corresponding Decree-Law 111/2000 which prohibits discrimination in the exercise of rights on grounds of race, colour, nationality or ethnic origin, containing a list of discriminatory practices and the administrative sanctions applicable to the conducts falling under that list.

The list of discriminatory practices include, inter alia:

- The production or dissemination of job offers, or other forms of pre-selection or recruitment publicity which, either directly or indirectly, contain a specification or a preference based on considerations of racial discrimination;
- The adoption by the employer of a practice which, within the context of the work relationship, constitutes discrimination against an employee.

The importance given to the family is reflected in the legislation concerning the entry, stay, departure and expulsion of foreign citizens. In fact, Decree-Law n 244/98, of 8th August gives the foreign residents the right to the family reunification. For this reunification are included the spouse, the natural and adopted children till 21 years, brothers, if minors and depending on the resident and the parents of both members of the couple, depending on them.

ARTICLE 3

As mentioned in previous reports, the principle of equality is a fundamental principle of the 1976 Constitution of the Portuguese Republic. Subsequent revisions have reinforced some aspects of this principle, of which the most recent, resulting from the 1997 revision in particular, have to be referred to.

In effect, the consideration of the promotion of equality as a fundamental task of the State (article 9) and the inclusion of the right to legal protection against all forms of legal discrimination with regard to personal Rights, Freedoms and Guarantees (article 26) constitute a background for the effective implementation of policies aiming at gender equality.

On the other hand, it must be reiterated that the concern for matters of equality and improvement of the situation of women, which goes back to the 1970s, has increasingly been considered to constitute a prerequisite of democracy, involving an ever more systemic and global dimension.

Since the end of the 1990s it can be said that some qualitative changes on how these matters are seen have been occurring, leading to them being considered as part of the protection and promotion of human rights.

A national seminar on "Equality, Democracy and Human Rights" which took place in 1990, organised by the national mechanism for Equality – the Commission on the Status of Women – gave, in some way, legitimacy to this perspective, which, in the meantime, has imposed itself. New legislation - Decree-Law nº166/91 – of May 9, which changed this Commission into the Commission for Equality and Women's Rights, not only widened its competencies and resources, but also integrated this dimension.

The same perspective was put forward during the national preparation for the Beijing Conference and on the occasion of the National Preparatory Seminar, in April 1995. This was a forum of debate on the situation of women considered from this viewpoint, that is to say, the effectiveness of their civic and political rights, economic, social and cultural rights, reproductive rights and the so-called "new rights", on development, quality of life, etc.

Basic issues with regard the situation of women – their access to public and political life, their situation in the labour market, the feminisation of poverty, the question of violence, domestic or in the public sphere – all these aspects were, and are, seen in the context of the access of women to the full enjoyment of fundamental rights and their respective promotion and protection.

However, although these concepts are being developed and find application in political orientations, the *de facto* situation is not always in line with these principles. And if there are signs of change in many aspects, there is also a visible resistance to change in some others.

In the context of the preparation for Beijing, an evaluation of the evolution of the national situation was made, which, in many aspects, can still be considered valid.

"Therefore, in the perspective of the evolution of the situation of women, special mention should be made, not only to the globally progressive and egalitarian legislation, to the field of education, in which enhanced and progressive feminine participation has been registered,

particularly at the university level, and where the most recent numbers on university graduates reveal that two thirds are women.

The positive data related to health indicators (which reflect slight improvement) are also worth mention, namely those referring to life expectancy, to mother and infantile mortality and also to the percentage of deliveries taking place in hospitals.

On the other hand, regarding employment, there is an increasing participation of women in the employment market where, in spite of the high achievements in terms of the European rate, factors of segregation and of discrimination, persist, related mainly to maternity and family responsibilities, creating a situation which is aggravated by crisis and recession.

The situation is, therefore, globally contradictory with positive and apparently irreversible aspects and other negative and persistent ones. Among these, the report also refers the questions of violence and of the feminisation of poverty, to which more visibility and attention will increasingly be given.

Another area in which the evolution is unsatisfactory is the sharing of power and women's access to decision-making positions, namely in political life, where women face particular difficulties.

As regards to programmes and answers at the institutional level, no enhanced progress can be noted in institutional mechanisms, its power and competencies. There is, nevertheless, an idea, which is growing, that the question of women's equality and progress is a global question and a question for society and that it requires global answers, encompassing not only the improvement of the status and the situation of women, but a global improvement in society as a whole, in a perspective of increasing social justice and democracy, in its essential facet of equal democracy for all."

Viewing the future as well as the changes considered to be necessary, the same Report recommended the adoption and implementation of a "Global Plan for Equal Opportunities" to cover all sector policies, mainstreaming gender equality as an essential dimension for global social change.

In fact this requirement had long ago been recognised. Proposals for Global Equality Plans were made in 1988 and 1991, which were not successful. There was limited success in 1994 and only in 1997 was a Plan finally approved.

In 1994, a **Resolution of the Council of Ministers (nº32/94, of April 14)** recognised the need to mainstream gender policy and recommended the adoption of measures by all the ministries involved, namely with the objective of:

- *"Sensitisation of public opinion, with a view to combat situations of discrimination against women and, namely, the promotion of an equal participation of women and men in public life, as well as guaranteeing that the dimension of equality be present in public information campaigns, in professional counselling for young people and in school textbooks;*
- *Promotion of vocational training measures for women, as well as the encouragement of entrepreneurial initiatives in this field, especially within the scope of the 1994-1999 Community Support Framework;*
- *Development of mechanisms of professional orientation for long-term unemployed women and for the ones who seek to re-enter the labour market;*
- *Adaptation of work time organisation, in order to safeguard the professional and family life of both spouses;*
- *Development of structures and alternative solutions for child support during their parents' working hours.*
- *Reinforcement of inspection activity in areas which can involve discrimination between men and women."*

In the aftermath of the Beijing Conference and when the new Government came into office towards the end of 1995, it can be said that a more favourable policy towards equality and women's rights was taken up. The **Government Program** refers to the need of specific policies for equal opportunities, with special emphasis in the area of employment and vocational training as well as the search for new forms of reconciling professional activities and family responsibilities. With reference to the political sphere, the same program also reiterates that a more egalitarian society must be constructed on a basis of a greater parity between the genders and a new balance of power at all levels, political, economic and social.

For the co-ordination of equality policy, the Government created the **High Commissioner Equality and the Family**, while maintaining under its co-ordination the **Commission for Equality and Women's Rights**, as a mechanism of a technical character, in charge of the implementation of policy.

In the follow up of the Beijing Platform and in compliance with one of its recommendations, a **Global Plan for Equal Opportunities** containing political measures considered important "with a view to sustainable economic development, the enhancement of citizenship and the strengthening of democracy", was approved by the Government in March 1997.

This Plan contains 7 major areas, which comprise a total of 51 measures. It is now being implemented. The areas are:

1. To mainstream the principle of equal opportunities for men and women in all economic, social and cultural policies.
2. To prevent violence and guarantee proper protection to those women who are the victims of crimes of violence.
3. Promotion of equal opportunities in employment and in labour relations.
4. Reconciliation of private and professional life.
5. Social protection of the family and of maternity.
6. Health.
7. Education, science and culture.

A copy of the Plan can be found in Annex, containing the proposed measures in each area.

In March 1998, the first evaluation of the implementation of the measures proposed in this Plan was carried out. Account will be given in this Report, within the scope of the appropriate Article of the Convention, of how those objectives are being met.

In relation to area 1, and given its general character, some of the conclusions of the evaluation report are as follows:

1. To mainstream the principle of equal opportunities for men and women in all economic, social and cultural policies

- There was systematic collaboration with the Equality Counsellors in the various Ministries with the aim of mainstreaming gender equality in each of their specific areas.
- Information and Sensitisation activities were carried out for central, regional and local administration agents, and within the educational system, social solidarity organisations, among others, on issues relating to equal opportunities. Several Co-operation Agreements were signed between the Commission for Equality and Women's Rights and various Municipalities with the view to mainstream gender equality in local policies, and so that focal points for equal opportunities be appointed at local level. The aim was also to set up women's information centres.
- The integration of equality issues in the curricula of training courses of various institutions, namely in the Municipal Training Centre and in the National Administration Institute, as well as in the training courses of teachers and other educational agents was proposed. This was achieved mainly through the systematic collaboration of the Commission for Equality and Women's Rights with Colleges of Education, Universities and Teachers Training Centres.

It was decided to mainstream equal opportunities issues in the Community Support Framework Programs, and mention should be made of the Governmental Order, of July 1997, which defines the orientations for the use of the Structural Funds, and determines that measures and projects that aim to effectively contribute to equal opportunities be considered as a priority. The program co-ordinators were also requested to include an analysis of the impact of their intervention on equal opportunities in their annual implementation reports.

ARTICLE 4

Decree-Law nº392/79, of September 20, altered by Decree-Law nº426/88, of November 18, on Equality in Work and Employment, defines the concepts of discrimination and affirmative action with regard to these areas.

Article 2 states that "with regard the application of this legislation, it is understood that:

a) Discrimination means: all distinction, exclusion, restriction or preference based on gender, which aims or which has as its consequence, to impair or refuse the recognition, the enjoyment or the exercise of the rights guaranteed by labour legislation.

This Law also states in its Article 3:

"1 – The right to work implies the absence of any gender discrimination, either direct or indirect, namely with regard to civil status or family situation.

2 – Provisions of a temporary character which establish a preference on the basis of gender, imposed by the need of correcting a *de facto* inequality, as well as measures which aim at protecting maternity as a social value, are not considered discriminatory."

Alterations of a legal nature, stemming from the revision of the Constitution of the Portuguese Republic and Law nº105/97, of September 13, are given in Article 11 of this Report.

Law nº18/98, of April 28, introduced further changes in the Law on "Protection of Maternity and Paternity", by increasing maternity leave from 98 to 110 days between January 1 and December 31, 1999, and up to 110 days, as from January 1, 2000. A period of 30 days is added to this expiry date, in cases of multiple births, for each twin apart from the first.

Measures of positive action included in the Global Plan for Equal Opportunities and in the National Employment Plan are referred to in Article 11, as well as a list of examples of positive actions.

On the other hand, the provisions contained in the aforementioned Government Order nº3455/97, of the Minister for Equipment, Planning and Territorial Administration, related to the new orientations of the present Structural Funds, establishing equal opportunities as priority criteria, can also be considered as a form of positive action.

Other measures of positive action on the desegregation of the labour market and on protection against dismissal are referred to in Articles 1 and 2 point 4.5.

With regard to **actions carried out in this scope**, the Seminar that the CEWR, the Commission for Equality in Work and Employment, the Friedrich Ebert Foundation and the British Council organised in June 1998 on "Equal Opportunities as an Entrepreneurial Innovative Strategy" deserves special mention. The Seminar sought, namely, to inform about good practices of affirmative action implemented by enterprises in Portugal and in the European Union, and sensitise entrepreneurs on the benefits of Equality policies at enterprise-level and on the close relation existing between these policies and overall quality management.

With regard to positive actions in **political participation**, the changes stemming from the 1997 Constitutional Revision with regard Article 109, are described under Article 7 of this Report.

ARTICLE 5

As referred to in **Article 1** and **2**, the **Constitutional Law n°1/97 of September 20** changed Article 59 of the Constitution, in order to recognise to men and women right to reconcile professional and family life. Article 68 attributes to mothers and fathers the right of work leave, for a suitable period of time, in accordance with the interests of the child and the needs of the family household.

With regard the protection of maternity and paternity, the 1995 revision of the Law, apart from other aspects which will be referred to later on, granted to the parents of new born children the right to decide which of the two would look after the baby after the first 14 days of leave after birth, thereby establishing paternity leave as a true alternative for the first time.

With regard **Community Law**, Portugal not only took part in the Fourth Medium Term Community Action Programme on Equal Opportunities for Women and Men (1996-2000), but also transposed the various Directives adopted in this field.

One of the strategic instruments of the National Action Plan on Employment to combat stereotypes on gender roles, and one of the most relevant causes of gender discrimination, is the training on gender equality. A program of training of trainers was developed in order to mainstream in the initial and in the life long learning. Special target groups as lawyers, labour inspectors, social negotiators have benefit from adequate training on this issue.

A program to develop individual autonomy and skills, to perform family tasks addressed to both men and women is also being developed under the National Action Plan on Employment.

With regard, in particular, to the recognition of the common responsibility of men and women in the education and development of their children, the Global Plan sets out: "to fund the office of the High Commissioner for Equality and the Family with the financial resources necessary to promote awareness-raising campaigns aimed at public opinion, namely by audio-visual means, on the importance of sharing family responsibilities for the well-being of the family and for the development of children and young people".

A campaign– TV, Radio, and Press – to promote the awareness of the public for the need to share responsibilities as a requirement for quality of life, was launched by the Office of the High Commissioner for Equality and the Family in the last quarter of 1998.

Other measures contained in the Global Plan for Equal Opportunities with regard the reconciliation of private and professional life, are referred to in Article 11 of this Report.

During the Portuguese Presidency of the Council of the EU - 1st semester of 2000, a Resolution was approved on the balanced participation of men and women on working and family life, which recognises that the recognition the rights of working men as fathers is a crucial element to overcome stereotypes and to promote the sharing of unremunerated work between men and women.

Related to **actions and projects developed in this area**, the following should be indicated: in December 1997, there was a Seminar on "Reconciliation between Work and Family Life

and Intergenerational Solidarity", promoted by the High Commissioner for Equality and the Family, in collaboration with the Centre for Sociological Research and Studies of the Higher Institute for the Sciences of Work and Enterprise, and the Directorate-General V of the European Commission. It sought to sensitise public administration bodies and private enterprises on the need to implement policies in this area and inform about good practices of initiatives promoted by enterprises.

The Parliamentary Commission for Parity, Equal Opportunities and the Family regularly conducts open sessions in town halls, which have been carried out in various municipalities of the mainland and of the Autonomous Regions, where the issue of the family and family support infrastructures are discussed.

The Project "For an active society", promoted by the NGO Graal in partnership with other national and transnational organisations, financed by the European Commission within the IV Medium-Term Community Action Programme on Equal Opportunities for Men and Women (1996-2000), sought innovative ways for the reconciliation of work and family for men and women, as a key element for the full realisation of equal opportunities in all spheres of life and for the resolution of the employment problem. These solutions were discussed in public hearings, aiming at guaranteeing a diversity of proposals and the commitment of participants in working out and informing on the solutions found. These have been presented to the competent public institutions. Moreover, it published and disseminated, at national and European level, to individuals and organisations, a Manifesto entitled "For an active society", as well as a list of proposals for solution of the issue and all the testimonies gathered in the hearings. It appealed, in particular, that we should question the way we think and live the distribution of our gender roles, equal opportunities in public and private life, and the need for a new outlook on work, that takes the organisation of family life into account.

With regard to specific aspects of the **protection of maternity and paternity**, Law n°102/97, of September 13, has to be mentioned as it modifies Law n°4/84 on "Protection of Maternity and Paternity". It introduced a new special leave for assistance to disabled and chronically ill persons and grants to the working parents (father or mother) the right to a leave for a time period of up to six months, renewable up to a limit of four years, in order to care for a child, an adopted child or a child of the spouse with whom the person lives, in case of disability or chronic illness, during the first 12 years of life. The enjoyment of the leave grants the right to

the allocation of an allowance for assistance to seriously disabled and chronically ill persons, which will be paid out by the social security authorities, and shall not exceed the double of the highest monthly guaranteed minimum income.

Law nº18/98, of April 28, introduced further changes in the Law on "Protection of Maternity and Paternity", by increasing maternity leave from 98 to 120 days. A period of 30 days is added to this expiry date, in cases of multiple births, for each twin apart from the first.

Regarding the special leave for assistance to children, the possibility of its renewal up to three years is established, in the case of the birth of a third child or more. The participation in vocational training and professional retraining must be made available to the worker, in order to guarantee his/hers full professional reintegration, after the expiry of this leave.

ARTICLE 6

Prostitution is not an illegal activity in Portugal. Portuguese Law only punishes the exploitation of prostitution by others.

With the revisions of the Penal Code of 1995, 1998 and 2000, there has been a general aggravation of the sentences applicable to crimes related to sexual exploitation and violence. Thus, for example, any person who, professionally or with the aim of profit, promote the prostitution of others, is punishable by imprisonment from 6 months to 5 years.

This penalty will be aggravated if the offender uses violence or if the victim has some physical handicap (1 up to 8 years).

It should be noted that under the Portuguese law a penalty of 2 up to 8 years of imprisonment is applicable where the offender uses violence or fraud or deceit conducting others to prostitution in foreign countries.

Minors are subject to special protection under the Portuguese law, that punishes any person who promotes or facilitates the prostitution of children aged between 14 and 16 years by imprisonment of 6 months up to 5 years. Furthermore, in such cases the law does not require, as in relation to adults, the professional character or the aim of profit of the offender.

Also in the case of children aged 16 the law punishes by imprisonment of 1 up to 8 years any person who promotes the prostitution of others abroad, without requiring that use is made of violence, fraud or deceit as is the case in relation to adults.

When the victims are aged between 14 and 16 the punishment is imprisonment of 2 up to 10 years.

This aggravation is always applied if the victim is under 14 or is under 18 years old and has a physical handicap.

The following aspects underline the importance accorded by Portugal to the repression of those crimes:

- *those offences are predicate offences to money laundering and their investigation is carried out by a specialised criminal police;*

- *Portugal ratified in 1991, without making any reservation to it the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of Prostitution;*

- Following *with the ratification of the Convention Against Transnational Organised Crime and the Additional Protocol Against the Trafficking in Persons, specially women and children that Portugal negotiated in Vienna and signed in Palermo, it will produce in the internal law the necessary adaptations to those international instruments.*

- *Finally, a reference to the participation of Portugal, at invitation of the UN, in the First International Seminar about Trafficking in Human Beings realised in Brazil in November 2000, organised by the Programme of the United Nations for the International Drug Control and to the participation of Portugal in Catânia in the Seminar on the same subject, within the Conference of Palermo in December 2000.*

With respect to the social support in this area, there exists in Portugal an Organisation for the Support and Reintegration of Women Victims of Prostitution - "The Nest" - and there is also the "The Self-Esteem Project", promoted by the Northern Regional Health Authority, which gives support and information to women victims of prostitution.

The CEWR is conducting the project "On the Street", within the scope of the Programme STOP of the European Commission, that seeks to study, train, improve and acquire new practices of intervention in the fight against prostitution. This project has two main dimensions:

- Research, characterisation the female population that practices prostitution, seeking to identify their connections to trafficking agents; and which form should take the support given the need of women practising prostitution.
- Training trainers, in order to train all the intervening agents fighting prostitution and exchange experiences with other international partners in this same area.

ARTICLE 7

The **Constitution of the Portuguese Republic** establishes the right of all citizens to "take part in political life and the control of the country's public affairs". On the other hand, as a consequence of the 1997 revision, **Article 109** establishes that the direct and active participation by men and women in political life is a condition and fundamental instrument for the consolidation of the democratic system and that the law must promote equality in the exercise of civic and political rights and non discrimination on the basis of gender in the access to political offices. This article includes a new perspective, because it clearly refers to the participation of "men and women", thus recognising the duality of humanity, whereas previously it only referred to citizens. On the other hand, it also attributes to the law the responsibility of promoting participation, thus giving way for the adoption of positive actions.

Such changes take on a particular significance, because, as mentioned before, under Article 3 of this Report, this is one the areas which can be considered as critical in the Portuguese situation. Thus, and notwithstanding some progress that occurred in the two decades of democratic regime, it can be said that the participation of women on equal terms, is still far from being achieved, which means that there is an effective democratic deficit in this area.

The participation of women in **Parliament** that was 12.2% in 1995, reached 17.4% in the 1999 elections, but it is interesting to observe the evolution in this field in the last two decades. In the first free elections for the Constituent Assembly that took place after the April 25, 1974, which established representative democracy, female participation was 8%. This percentage decreased in subsequent elections to around half, then slowly increased, and only 16 years later was a slightly higher value reached – 8.7% in 1991. At present, with the substitutions of members of Parliament that have occurred, this percentage has reached 21,3%.

With regard to participation in **Governments**, including Ministers and Secretaries of States, female participation has generally been inferior to 10%, never having been more than 10.3%.

With regard to participation in **Local Government**, in the 1993 elections, only 5 women were elected mayors (1.6%). In the December 1997 local elections, this number reached 12 (3.1%). With regard to participation in local elected assemblies, the numbers resulting from the first aforementioned elections reached around 11.1%.

In central **public administration**, although women represented 65.1% in 1998 they are now 59.4% of all workers. Still, in what concerns decision making places, their percentage has grown from 11.1% to 14.5% General Directors and 23% to 33.8% Assistant General Directors. The presence of women is still very reduced in institutions such as the Council of State, the Constitutional Court, the Economic and Social Council, the National Education Council, etc.

As for the career of magistrates, that was forbidden to women until 1974, there is now the following participation of women:

Magistracy	Career	Men	Women
Judges	Superior Councillor of Judges	83	0
Judges	Court of Appeal	300	12
Judges	Court of Law	634	595

As for the Public Prosecutors there is already a majority of women.

The issue of the participation of women in decision-making, particularly in public and political life is, moreover, one that has merited the attention of the national mechanisms for equality and has mobilised non-governmental organisations, which have carried out debates, seminars, produced manifestos, etc. that have made this a matter of public debate.

Some actions promoted in the context of the European Network "Women and Decision-Making" also contributed to this debate. It should be added that, in 1993, Parliament unanimously approved a Recommendation on the "Athens Declaration" on the participation of women in public and political life, adopted in the context of the European Union..

Specific reference can also be made to a symbolic initiative carried out in 1994. It was the Parity Parliament, which took place during two days in the National Parliament, and in the context of the European Campaign for the election of the European Parliament. It brought together male and female deputies then in office, or that had been in office previously, in equal numbers, in order to discuss this issue in terms of citizenship and democracy.

At present, in the sequence of the aforementioned new constitutional provision and in the context of the debate on the revision of the electoral law, the issue of female participation in political life was brought up once more, thus having become an ever more important issue and a topic of debate in Portuguese society.

A group of high-level experts was made responsible for studying the implications of Article 109 and put forward measures for a more effective participation of women in political life, to be integrated in the Electoral Law that was then being prepared.

Innovative proposals, yet to be adopted, were made by those experts pointing to the creation of minimum percentages of both genders in electoral lists, with obligatory incidence in the respective results (25%), implying a balanced distribution in the electoral lists; the progressive adoption of further goals in these minimum percentages; the rejection of lists that do not comply with these requirements; the penalisation of political parties which do not comply with these minimum percentages; an incentive prize for those which go beyond the 33% mark, apart from other measures of a more general character, namely aiming at the organisation of parliamentary tasks, in order to enable the reconciliation of work and family responsibilities.

Some of these measures were integrated in the Government proposal for the Electoral Law, namely the ones that put forward minimum percentages in electoral lists, with obligatory incidence in the electoral results.

The Parliamentary Commission for Parity, Equal Opportunities and the Family promoted, in January 1999, a public hearing on the issue in which various relevant entities, institutions and personalities were heard.

However, this Law was not approved by Parliament, so the proposal was withdrawn. Nevertheless, the party now in the Government is going to present a separate proposal in order to adopt more egalitarian criteria in accordance with provisions for the promotion of equality.

In the context of this debate various civil society institutions, namely women's organisations, also carried out information and sensitisation activities aimed at the general public, and the media have been doing some lively reporting on this issue.

ARTICLE 8

During the period under analysis, no measures with regard to this article have been undertaken. Since 1974, the year in which access to the diplomatic corps was granted to women (Decree-Law nº308/74, of July 6), there are no legal or institutional obstacles for women to represent the Government at the international level or participate in the work of

international organisations. The statistical data of the Ministry for the Foreign Affairs is the following:

Total Number (men and women)	**Number of women**
Diplomatic personnel - 542	in the diplomatic corps - 121;
Heads of Mission - 79;	as Heads of Mission - 4;
Consuls and General Consuls - 58	as Consuls and General Consuls - 13
technical senior officials - 108;	as technical senior officials - 73
Heads of Department - 86;	as Heads of Department - 26.

As for another specific matter of this article, Portuguese women in international organisations, there are no data available.

ARTICLE 9

Portuguese Law, by establishing total equality of rights, without discrimination on the basis of gender, guarantees equal rights between men and women with regard the acquisition, change or retention of **nationality**. There have been no changes to this right during the period in reference.

ARTICLE 10

1. Legal framework and Political Orientation

The Portuguese legal framework establishes non-discrimination and equal rights for women and men in the field of education, and a series of measures, at various levels, in order to achieve those objectives.

The **Portuguese Constitution** establishes the principle of equal opportunities in this field in nº1 of Art. 74: "Everyone shall have the right to education with safeguard of the right to equal opportunities of access to and success in schooling."

The Fundamental Law on the Educational System – Law nº46/86, of October 14, lays out in paragraph j) of Art.3 that "the educational system is organised in order to ensure equal opportunities for both sexes, namely through the practices of coeducation and professional and school counselling, and to sensitise, to this effect, all the participants in the educational process".

The **Global Plan for Equal Opportunities**, taking into account the commitments of the Platform for Action of the IV United Nations World Conference on Women, enunciates various measures with regard to equal opportunities for girls, women, boys and men in the field of education, namely with regard to the inclusion of issues related to Equal Opportunities in school curricula, as well as in the initial training courses for the agents of the educational process and for the trainers of the training system for the labour market, of which the most relevant are:

"Objective 1 – *To mainstream the principle of equal opportunities for men and women in all economic, social and cultural policies.*

(...)

Measure 3 – To promote the inclusion of matters related to gender and equal opportunities in school curricula, as well as in teacher initial and on-going training and of other education professionals, including that of trainers of the training system integrated in the employment market.

(...)

Objective 3 – *Promotion of equal opportunities in employment and in labour relations.*

(...)

Measure 5 – To encourage enterprises to adopt measures of positive action, such as contracting long-term unemployed women over 40 years of age, the integration of women in

new professional spheres where they are under-represented or the access of young women to practical training, by means of a probation period to facilitate professional integration.

(...)

Measure 9 – To encourage the participation of women in professional training and increase their possibility of being requalified and of having access to new professional spheres or where they are under-represented, as well as to leadership positions.

(...)

Objective 5 – *Social Protection of the family and of maternity*

(...)

Measure 3 – To protect adolescent mothers in the sphere of assistance in health and the promotion of education, with the view of their not being excluded from the school system.

(...)

Objective 6 – *Health*

(...)

Measure 2 – To study measures to prevent adolescent pregnancy, in the context of sex education and of family planning, to be carried out in schools, in health centres and in hospitals.

(...)

Objective 7 – *Education, science and culture*

Measure 1 – To encourage and support adult education, with a view to reduce illiteracy and improve the educational level of the population in general and of the female population in particular.

Measure 2 – To promote, namely by means of the creation of prizes, the writing of school textbooks and other pedagogical and cultural diffusion materials that may convey non-stereotyped feminine and masculine images.

Measure 3 – To encourage and support studies and initiatives that objectively value the importance of the historical contribution of women to Portuguese culture.

Measure 4 – To encourage that the school curricula give due attention to the complementary role of the two sexes in society and in the family, in order to overcome discrimination, namely in the traditional division of roles between women and men.

Measure 5 – To include, in the school curricula, modules on sex education, within the framework of health education programmes.

Measure 6 – To furnish non-stereotyped options of courses and professional careers, offering young students, as from the 9th year of compulsory schooling, counselling and information on all medium and higher courses and the respective professional outlets and promote short-term probation periods in enterprises and in central, regional and local public administration departments.

Measure 7 – To encourage the entry of young women in the cultural, scientific and technological areas, by stimulating their participation in experimental teaching programmes.

Measure 8 – To include the interdisciplinary area of gender relations in the programmes that finance scientific and technological research."

2. The *de facto* situation

Over the last few years, the situation of girls and women has been evolving in a very positive manner, in the field of education.

The guarantee of equal opportunities, with regard to the access to all levels of education, has meant that girls, in Portugal, have obtained higher levels of educational achievement and a diversification of choices at the level of medium and higher courses.

For example, the rates of progression/conclusion by gender and level of education are the following (1994/95 data):

Level of Education	Women	Men
Basic-schooling (children)	82.8	77.5
Secondary schooling (general)	56.1	51.3
Secondary schooling / (technical)	43.2	37.1

Source: Education Statistics 96/97, Ministry of Education

With regard to higher education, as the same indicator is not available, rates of feminisation related to the conclusion of degrees in certain branches of higher education are given:

Branches of Education	Rate of Feminisation
Sciences of Education / Teachers' training	82.5
Arts	62.8
Medicine, Health and Hygiene	77.1
Exact and Natural Sciences	67.9
Engineering Sciences	30.8
Mathematics and Computer Studies	52.3

Source: Education Statistics 96/97, Ministry of Education

A diversification of girls' options in higher education in the branches of teaching has taken place. In 1994/95, there was a predominance of women in all of them, with the exception of Architecture and Urbanism, Mathematics and Computer Studies, Engineering Sciences and Religion and Theology. In that same year, women represented 56.6% of all registered students, and 62.9% of degree holders.

These results, however, do not correspond to similar levels in areas of employment, decision-making positions and others.

The proportion of women holding no school diploma continues, however, to be higher than that of men, which reflects the situation of older women, who present higher illiteracy rates. On the other hand, women represent more than half of those who have completed secondary education, medium polytechnic education and also higher education.

The principle of Equal Opportunities for women and men, however, is not fully integrated in educational practices, as feminine and masculine stereotypes continue to be present, especially at the level of the "hidden curricula" and in pedagogical materials.

It is essentially at this level that the Commission for Equality and Women's Rights has been implementing initiatives since the end of the 1970s. With regard to recent years, in particular, this Commission has co-operated with Colleges of Education, Universities and Teachers' Training Centres, with a view to remove these obstacles and to include Equal Opportunities in the initial and continuing vocational training of teachers.

However, special mention must be made to the fact that there is an Equal Opportunities Counsellor in the Ministry of Education, as in all other Ministries. This position, created by Decree-Law nº166/91, of May 9, which establishes the objectives and competencies of the CEWR, has as her/his task, to mainstream equality in all sector policies, programmes and measures of hers/his respective ministry.

The Equal Opportunities Counsellors of all the Ministries constitute the Inter ministerial Section of the Consultative Council of the CEWR, which is presided over by the president of the CEWR president.

3. Political Measures That Have Been Adopted

A large series of measures aimed at equality for women and men in the field of education have been adopted by various entities.

The subject of **Personal and Social Development** (Decree-Law nº286/89, of August 29) was established at the basic and secondary education levels. It covers in particular, those issues referred to in nº2, Article 47, of the Fundamental Law on the Educational System, that is to say, "The curricula of basic education will include at all levels and in an appropriate manner a field of personal and social formation, that can include the following components: ecological, environmental education, consumer education, family education, sexual education, prevention of accidents, health education, and education for the participation in institutions, civic service and others of the same type". The training contents for this subject was approved by Order 25/ME/95, of April 4. At present, the teaching of this subject is being made available throughout the school system.

The **National Education Council** includes since 1996 a representative of Women's Non Governmental Organisations, in compliance with Decree-Law nº241/96, of December 17.

The Secretariat "Entreculturas" (Among Cultures), promoted several projects in order to combat exclusion in schools, addressing immigrants and gipsy children, namely producing didactical and alternative material and trying to involve parents and to give them the information they need about the educational system

As an example, we will refer the following projects and publications:

PROJECTS

- Projecto de educação intercultural (Intercultural education Project) ;
- Currículos alternativos para os jovens de grupos étnicos e culturais minoritários em risco de exclusão; (Alternative courses for young people belonging to ethnic and cultural minorities, risking exclusion)
- Escola e integração de imigrantes (School and migrants' integration)
- Promoção da educação multicultural: desenvolvimento de práticas e materiais pedagógicos (Promoting multicultural education: Development of pedagogical new practices and materials)

PUBLICATIONS

Escola e Sociedade Multicultural (School and multicultural society);

- Educação para a tolerância (Education towards tolerance);
- Gestão Intercultural do Curriculo (How to deal in an intercultural way with courses);
- Os meninos e o jardim de infância. Sugestões para os pais imigrantes (Children and the kinder garten . Guide for immigrant parents);

Continuing Teachers' Vocational Training – a new area for the registration of trainers - *Equal Opportunities for Girls and Boys* - was introduced in November 1997 by the Scientific-Pedagogical Council for Continuing Vocational Training in the sphere of the

competencies attributed by the Legal Framework of the Teachers' Continuous Training, which is an annex to Decree-Law nº207/96, of November 2.

With regard to vocational training of teachers: some Universities and Colleges of Education have introduced in the initial vocational training of teachers, subjects on equal opportunities between men and women (e.g.: College of Education of Setúbal, Coimbra University, Faculty of Psychology and Education Sciences of the University of Oporto) or modules on the same issue (e.g.: Colleges of Education of Coimbra, Oporto and Beja, and University of Évora).

Among the various measures and initiatives implemented by the Commission for Equality and Women's Rights, the following can be pointed out:

- The Commission for Equality and Women's Rights (CEWR) was responsible until 1998 for a Continuing Teachers' Vocational Training Course with a duration of 50 hours. It is called *The School Area, Equal Opportunities and Integral Development*, and was available in Centres for Continuing Vocational Training of Teachers. Since 1993, 9 courses for around 250 teachers of both sexes were carried out. This course was recognised by the Scientific-Pedagogical Council for the Vocational Training of Teachers.

The CEWR has also carried out various projects, of which the most recent are the following:

- A transnational pilot-project *In search of a Pedagogy of Equality* (1993-95), co-ordinated by the Commission for Equality and Women's Rights – CEWR (Portugal) and by the SUENS of Palencia – University of Valladolid (Spain), financed by the European Commission. In the context of this project, two Summer Universities were organised (Lisbon, 1994; Palencia, 1995) and a series of activities with teachers and students of basic and secondary schooling were developed, as well as a research-action project, of which the conclusions and products were made public in the II Summer University. The project published severál studies and manuals.
- Transnational pilot-project, *Equal Opportunities and Initial Vocational Training of Teachers* (1995-1997), co-ordinated by the Open University with the collaboration of the CEWR, financed by the European Commission. On behalf of Portugal, the Open

University, the University of Coimbra and the University of Évora took part in this project; on behalf of Spain, the University of Valladolid; on behalf of France, the Academy of Lyon, and on behalf of Italy, the CISEM of Milan. Curricula Modules with a view to introduce the issues of equal opportunities between women and men in the *Initial Vocational Training of Teachers* were produced. Several books were published in the scope of this project;

- Transnational pilot-project, *Co-education: from the Principle to the Development of a Practical approach* (1998-2000), co-ordinated by the CEWR, which was started at the end of 1998. On behalf of Portugal, the institutions taking part are: the Portuguese Association on Women's Studies, the Universities of Évora, Coimbra Minho, Porto, Lisboa, Fernando Pessoa; the Education Colleges of Beja, Santarém and Setúbal; on behalf of Spain, the University of Valladolid; on behalf of France, the Academy of Lyon, and on behalf of Italy, the CISEM of Milan. The objective of this project is to produce, test and disseminate pedagogical materials for the initial training of teachers, which will allow a better integration of the principles of equal opportunities into schools and school curricula. The target groups are future teachers, university lectures, training institutes, education policy-makers and educational bodies. To this end, the project promoters have set up a national and transnational network of university professors, researchers and specialists working on the theme; this network has been spread out all along the project. Between 1998 and December 2000, 23 *Co-education Booklets* with pedagogical materials for the initial training of teachers (10 original and 13 translations: Portuguese, French, Spanish and Italian) were produced, published, disseminated and applied; two studies, respectively on mainstreaming and on schools books analysis on a gender perspective were also published; a transnational workshop and two international seminars were organised and the proceedings were published; for dissemination, a leaflet and a Bulletin (nº1 and nº2) were published and translated in the four languages of the project and several articles were been produced and published in existing specialist magazines in the four countries; 14 training sessions were organised involving circa 1400 persons; web pages were prepared in partner's websites. The project was largely expounded in international seminars in the 4 countries, as well as in the *Gender Equality Magazine* (CE) and in the Council of Europe (Seminar, 7-8/12/2000). In Portugal all the products published by the project were sent to all education bodies and training institutes.

Other activities carried out by the CEWR:

- The Commission for Equality and Women's Rights has drawn-up reports on equal opportunities, for the Ministry of Education, namely with regard to projects supported by the System of Incentives for Quality in Education (1997), on the inclusion of equal opportunities as an evaluation criteria of school textbooks (1997) and with regard the Competency Profile of pre-schoolers, Basic and Secondary Education Teachers (1998, 1999, 2000), and Initial Teacher's Training Quality Patterns/Samples (2000).

- A protocol of collaboration between the Ministry of Education and the Commission for Equality and Women's Rights related to the mainstreaming of equal opportunities between women and men in the training activities carried out by that Ministry for its staff is now in the process of being completed.

- A protocol of collaboration between the Regional Education Authority of the Central Region of Portugal and the CEWR was signed. It seeks to promote sensitisation on the issue of Gender and Equal Opportunities, aimed at school counsellors and regional and local heads of the Ministry of Education, within the competencies and the geographical area attributed to this Regional Education Authority. Two seminars were organised, aimed at Psychologists and School Advisers (1999) and Teacher's Trainers and School Directors (2000). The proceedings of the first seminar have been published with the collaboration of the CEWR .
- Activities of collaboration have been developed between the CEWR and the Regional Education Authority of the Lisbon Region (sensitisation activity on Equal Opportunities in Education aimed at staff in general, as well as decision-makers - 1999) and the Regional Education Authority of the Algarve Region (sensitisation activity on Equal Opportunities in Education aimed at teachers - 2000).

- The CEWR also carries out sensitisation activities on Equal Opportunities in Education in educational establishments and in the Ministry of Education, aimed at staff in general, as well as decision-makers.

- Collaboration between the CEWR and 7 Universities and 5 Schools of Education and NGO (APEM - Portuguese Association of Women's Studies; APEI - Professional

Association of Childhood's Education) with the aim of mainstreaming the issue of equal opportunities in the curricula of academic graduations (1998-2000).

- The CEWR has at its disposal a collection of publications on the issue of Equal Opportunities in Education, and has, up to the present, published 40 titles. Besides this series, it has also published various other books on the same issues.

With reference to specific policies and actions with regard to school texts, the studies that have been carried out on sexist distortions in school textbooks reveal that concern on this issue, which has been present, especially from the 1970s onward, in decisions and recommendations of the European Union and of United Nations, have not been taken up in a clear and decisive manner by the Portuguese Public Administration. According to studies, school textbooks continue to reproduce sexist distortions which perpetuate, on the one hand, a stereotyped image of women and men, and on the other hand, the invisibility of women which becomes more pronounced as the level of schooling advances.

In this matter, the legal framework and the political orientations are given by:

- **Decree-Law n°369/90, of November 26**, which regulates the system of adoption of school textbooks, does not mention the promotion of equal opportunities between women and men.

- The circulars, sent annually to schools by the Departments of Basic and Secondary Education, containing the definition of the criteria for the selection and adoption of school textbooks, do not mention the issue of equal opportunities between women and men.

- In the Global Plan for Equal Opportunities, annex to the Resolution of the Council of Ministers n°49/97, approved on March 6, which establishes Objective 7 on *Education, Science and Culture*, Measure 2 reads: "To promote, namely by means of the creation of prizes, the writing of school textbooks and other pedagogical and cultural diffusion materials that may convey non-stereotyped feminine and masculine images."

The Commission for Equality and Women's Rights has been involved in this issue since 1979, by participating in working groups, promoting seminars, carrying out and disseminating numerous studies on pedagogical materials, as referred to in previous reports. In the 1990s the following study was produced - HENRIQUES, Fernanda; JOAQUIM, Teresa, *O Papel dos Materiais Pedagógicos no Desenvolvimento de uma Educação para a Igualdade entre os Sexos (The Role of Pedagogical Materials in the Development of Education for Sex Equality)*, Lisboa, CIDM, 1995 – which describes a series of cases of sexist distortion in various pedagogical materials and makes suggestions and presents alternatives for their elimination. It also includes grids for the evaluation of pedagogical materials from a gender perspective. This study has been used in the sensitisation of the publishers of school textbooks, with a view to promote non stereotyped pedagogical material with regard to gender.

The CEWR has also carried out sensitisation activities for the Ministry of Education, by means of drawing-up reports on the importance of considering Equal Opportunities between Women and Men as one of the criteria of evaluation and selection of school textbooks. The CEWR has also collaborated with the Woman's Institute (Spain) in 1996, in the translation and distribution of a poster on the production of non sexist school textbooks in Portugal. It was made available to the Ministry of Education and educational establishments. It also translated and distributed the 1990 Council of Europe Recommendation on the Elimination of Sexism from Language. The CEWR has also collaborated with EMAKUNDE – Women's Institute of Bask Region (Spain) regarding the distribution in Portugal of translated pedagogical materials concerning co-education (2000).

About sport, please see information under article on health.

ARTICLE 11, nº1

1. Employment, Conditions of Work and Vocational Training

In order to promote the application of legislation on the issue of equal opportunities in employment, work and in vocational training, both in the private and public sector, a

Commission for Equality in Work and Employment was created in 1979. It is a triparty entity and is now under the both the direction of the Ministry of the Presidency and the Ministry for Labour and Solidarity. Its tasks are information, dissemination, training, and evaluation of complaints of discrimination, drawing up opinions on these matters, which are sent to interested parties and published in the Bulletin of the Ministry for Labour and Solidarity. It is compulsory to the employers to ask the opinion of this Commission before the dismissal of pregnant, puerperal or breast-feeding women. The opinion is given in 30 days. If the opinion is negative, only a court of law may authorise the dismissal. To ask the opinion of this Commission is also compulsory for employers who don't agree with the proposal of reduced timetables that women and men with small children have the right to benefit. It also may recommend for legislative alterations or proposes measures related to equal opportunities in employment, work and in vocational training.

CEWE also commands and publishes studies on a variety of matters connected with its field of intervention (In the annex of CEWE publications).

The formative and informative activities developed by the Commission for Equality in Work and Employment (CEWE) have as their target the general public and some strategic groups in order to achieve mainstreaming. Among these groups are social negotiators, entrepreneurs, trade-unionists, jurists working for associations of employers or trade unions, human resource managers, civil servants, magistrates, lawyers, trainers and local elected officers.

References to the changes of the Constitution and to new legislation on the right to equal opportunities between men and women in the field of employment, conditions of work and vocational training have already been indicated in Article 1 and 2, namely i n point 4.5.

In this case is an important development, within the scope of the right to equal treatment at work and in employment, the Law of the Assembly of the Republic nº105/97, of September 13, was published (Annex 5), which aims at making that right effective and increases the substantive and procedural guarantees of its exercise.

The aforementioned Law is applicable both to the public and the private sector. Besides defining the concept of indirect discrimination, it establishes as a presumption of discriminatory practice, the considerable disproportion between the rate of workers of one of the genders at the service of the employer, and the rate of workers of the same gender, that exist in the same branch of activity.

Besides the fact that active legal capacity has been attributed to trade unions that represent the workers at the service of the entity that disrespects the right to equality, in the court actions undertaken to prove any discriminatory practice and independently from the exercise of the right to court-action by the worker or job applicant, the reversal of the burden of proof is established, thereby making it the responsibility of the employer to prove the non-existence of any discriminatory practice, criteria or measure in relation to gender.

In accordance with the Law, any discriminatory practice in relation to gender, either direct or indirect, constitutes a court procedure punishable with a variable fine, that is calculated at between 5 to 10 times the highest guaranteed minimal monthly allowance, without prejudice of the application of any other sanction as covered by law. In case of re-offence, the minimum and maximum limits of the fine will be doubled and an accessory sanction will be applied. This consists in the judicial condemnation of the employer to pay for the expense of the publication of the extract of the decision that declares the existence of a discriminatory practice, in one of the most widely read newspapers of the country. In these cases, the employer is also condemned to affix the extract of the decision in his or her work places.

All decisions will be transmitted to the Commission for Equality in Work and Employment, which will organise their registration and will disclose the information on the registration of any final decision to the judge who so requests it.

In what concerns Vocational Training, Decree-Law n°401/91, of October 16, on the legal framework of vocational training, established the promotion of equal opportunities in access to training, to a profession and to employment, as well as career progression, as one of the goals of initial or continuing vocational training, thereby reducing socio-professional imbalances and social exclusion.

Following the legislation mentioned above, various measures aiming at encouraging and supporting women to initiate or take up again a professional activity have been adopted, of which the vocational training operational programmes, tailored for the direct integration of women in the labour market[1] deserve special mention. These were aimed at long-term unemployed women and unemployed young women.

It must be pointed out that the regulation of individual access to vocational training and participation in training considers as a priority, those actions which, namely, promote the access of women to their first jobs, to non traditional areas and to leadership positions, as well as their re-entry into professional life.

According to Order nº52/93, of April 8, that established the norms and the procedures with regard to the training/employment programmes of the Institute for Employment and Vocational Training, the entities responsible for training/employment programmes which recruit women for those professions where they are under-represented, are exempt from contributing to the training grant.

With regard to the Programme of Professional Apprenticeships, the contribution of the Institute for Employment and Vocational Training towards the trainee allowance is increased by 10%, during the 2nd and 3rd term, when young women who seek integration in innovative professional areas or in those in which they are under-represented are recruited.

On the other hand, an allowance for nursery or kindergarten costs is granted to women who take vocational training courses under the direct management of the Institute for Employment and Vocational Training[2] and who have children in their charge.

The Strategic Concertation Agreement for 1996-1999 ~~also~~ included equal opportunities as an objective and attributed responsibilities to the Government and the Social Partners in implementation.

[1] Financed by the European Social Fund.
[2] In terms of the law that establishes the Ministry for Employment and Solidarity, this Institute is responsible for the organisation and the implementation of vocational training measures.

With the objective of complying with existing legislation and international commitments on the issue of equal opportunities between men and women, various positive action measures related to employment, work and vocational training were adopted.

Of these positive action measures, the following deserve special mention:

- Supplementary financial bonus of 20%, in the regime of incentives for recruitment, for each job position filled by women in professions or areas where they are under-represented;
- Increase of 20% in subsidies, in programmes that are public supported, granted within the Local Initiatives for Employment, Conservation of Cultural Heritage, support for self-employment and the creation of self-employment for the Unemployed, when the social capital amounts to at least 50% of that of the promoters and where these participate directly in the management of the enterprise;
- Exemption from contribution to the training grant for those entities included in training/employment programmes which recruit women in professions where they are under-represented;
- Application of the "equal opportunities" issue as a selection criteria for vocational training projects to be co-financed by the European Social Fund;
- Adoption of measures to induce equality, in the sphere of the 2nd Community Support Framework, some of which are of common application to all operational interventions, namely, financial support to enterprises which guarantee the participation of women in non-traditional areas, prizes of merit for those enterprises which develop programmes that contribute in an exemplary manner to equal opportunities and an increase of the training grant to be attributed to those workers who prove they are responsible for children or dependent adults and need to have them cared for by a third party in order to attend training sessions.

The Resolution of the Council of Ministers nº59/98, published on May 6, approved the National Employment Plan[3]. The Plan is composed of 4 Pillars: Pillar I – Employability, Pillar II – Entrepreneurial Spirit, Pillar III – Adaptability, Pillar IV – Equal Opportunities. In order to mainstream the general objective of equal opportunities between men and women in all measures and actions relating to employment, work and vocational training, the

[3] The approval of the Plan was a consequence of the approval by the European Union Council of the Broad Lines for Employment, stemming from the Luxembourg Employment Summit which took place in November 1997.

transversal nature of these matters implies that the measures of positive action shall be considered implicit in the aforementioned 3 first Pillars.

Thus, within the scope of Pillar IV on equal opportunities, in order to combat discrimination between men and women, reconciling work and family life, and facilitating the reintegration in professional life, new instruments have been created, namely:

With reference to combating discrimination between men and women:

- Training in the field of equal opportunities, based on the construction of innovative modules, methodologies and materials, aimed at strategic groups;

- Inclusion of a module on equal opportunities in all public training developed by the Institute for Employment and Vocational Training;

- Entry into force of the Observatory for the follow up of the issue of equal opportunities in the instruments for the collective regulation of work;

- Allocation of prizes to enterprises with outstanding policies in the field of equal opportunities.

With reference to the reconciliation of work and family life:

- Attribution of priority status to those activities that answer the increasing social demand for services of proximity inherent to the improvement of the quality of life of families and women, namely those which involve the setting-up of leisure activity centres, that look after pupils when their parents are not available.

- Regulation of parental leave, guaranteeing equal opportunities and rights of the spouses engaged in professional activities.

- Promotion of the drawing-up of Codes of Good Practice in areas such as the protection of maternity and paternity and positive actions with regard to the reconciliation of work and family life;

- Generalisation, in initial and continuing training provided for both genders, of the mastering of competencies for the exercise of activities to support family life;

- Expansion of the pre-school network.

Finally, with the objective of facilitating the reintegration in professional life:

- Creation of training pilot centres for continuous training aimed at both long-term unemployed persons or at the reintegration of workers after a lengthy work interruption;

- Allocation of specific support to enterprises that promote equal opportunities in the reintegration of workers of both sexes in professional life;

- Adjustment and reinforcement of positive action measures;

- Creation of a support fund for the integration in new activities (Fundo de Apoio a Reinserção em Novas Actividades - FAINA) for those who benefit from the Minimum Guaranteed Allowance.

As one of the indispensable conditions for equality is the equal right for women and men to reconcile work and family life, a Guide for companies on "Good Practices for Reconciling Work and Family Life" - in annex - has been widespread.

An award "Equality is Quality" for companies and other organisations has been launched to recognise the best practices in all aspects of equal opportunities for women and men in management.

The National Employment Plan as been revised in 1999 and 2000. The introduction of the actual Pillar IV is the following:

"The fulfilment of equal opportunity principles has made significant advances at an internal level and these improvements have reached the constitutional and governmental level.

As referred in the preamble of the Council of Ministers Resolution that approved the Global Plan for Equal Opportunities "neither the constitutional and legally established equality nor the presence and status of women in the labour market have been enough to bring about effective equality between men and women. In fact, in the last few years there have been significant changes in gender social relations, notably due to the increasing participation of women in the labour market, and to the inherent economic independence, and also through the increase in the level of secondary and higher education. However, these changes have not yet been reflected in a global improvement of women's social status. The labour market reveals a strong sectoral and vertical segregation of women's employment. This tendency is most strongly revealed in the health and education areas, as well as in the lowest and intermediate jobs of the organisational hierarchies. Furthermore, teenage mothers, elderly women and single mothers, are social groups which are highly vulnerable to poverty and at risk of social exclusion. This is particularly true in cases where there is also a very limited or non-existent school education or in the absence of professional qualifications."

Hence, the Government considers "policies concerning equal gender opportunities to be a priority, aimed at a sustained economic development, expansion of citizenship and deepening of democracy."

As the revision of the Portuguese constitution in 1997 included the promotion of equal gender opportunities among the essential tasks of the State, the National Action Plan for Employment is seen to be a particularly relevant instrument to that end.

Thus, under the ambit of Pillar IV, it was decided in 1998 to:

- Make the national, international and community rights better known, and more accessible to the public;
- Begin setting up or improving conditions for a change of attitudes, by making different sectors of the public aware, by innovative training for strategic sectors of the public, structuring training in the equal opportunities area and the development of skills for an autonomous family life, on the one hand this will lead to an awareness of situations and

thus the questioning of traditional approaches to the social roles of men and women – which are no longer compatible with life today and which are nearly always a remote cause of discrimination; on the other hand they will simplify the conciliation, in practice, of working and family life;

- Create better conditions for the renewal of the equal opportunities issue in social dialogue and at a deeper level. To this end an Observatory to detect and prevent directly or indirectly gender related discrimination in collective regulations is to begin working, the introduction of positive actions will be encouraged and a culture of equal gender opportunities will be promoted.
- Drawing the attention of the companies to the possible innovative dimension of the question of equal opportunities in management which is indispensable to total quality in companies; for example, the start of an award for those promoting exemplary practices in this area, or the publication of a first Manual on the best practices for conciliating family and working life.

The guidelines of Pillar IV were enforced in 1999 and to reach the overall goal of introducing the equal gender opportunities issue in a horizontal and integrated manner in the whole Employment Action Plan, priorities, objectives and instruments are explicitly proposed throughout the first three pillars; these assume that a range of positive measures – new, stronger or at a deeper level than existing ones – are also implicit.

An evaluation system for the progress made as a result of these guidelines was also drawn up in 1999.

From a territorial perspective we point out the work of network AJUDA, in the ambit of the Regional Action Plan for Employment of Alentejo, which is a network of collective services for home assistance to the elderly and other dependent persons; it permits qualified people to be recognised as such by the Social Security and, like nannies, receive a subsidy due to the financial incapacity of the elderly to pay for these services.

Furthermore, the Regional Action Plan for Employment for the Oporto metropolitan area also presents a range of measures aimed at furthering the objectives of Pillar IV.

In 2000, the gender issue will be enhanced across the board and men's paternity rights increased as an indispensable means to promote equal gender opportunities in the labour market.

The indicators on the labour market show that the gender gaps in the activity, employment and unemployment rates are narrowing, and are better than the average in the European Union.

Within the scope of the compliance and control of the application of the principle of equality between men and women, it is reiterated that gender discrimination is considered a labour offence, and that the General-Inspection of Labour is responsible for the application of fines. To this effect, labour inspectors have been specifically trained in the field of equal opportunities at work, in employment and in vocational training, at the initial and continuous training levels.

Employment indicators are as follows[4]:

Employment Rate(%)

1996	62,3	71,0	54,2
1997	63,5	71,8	55,7
1998	66,5	75,6	57,9
1999	67,4	75,8	59,4

Full-Time eq. Employment rate (%)

1996	60,7	70,4	51,8
1997	61,4	71,2	52,5
1998	63,8	74,3	54,0
1999	64,6	74,2	55,5

Total Unemployment Rate (%)

1996	7,3	6,5	8,3
1997	6,8	6,0	7,7

[1] Source is always EUROSTAT

1998	4,9	3,9	6,1
1999	4,5	3,9	5,2

Youth

Unemployment

Rate (%)

1996	7,2	6,8	7,6
1997	6,7	5,8	7,5
1998	5,1	4,3	5,9
1999	4,3	3,7	4,9

1996	3,9	3,4	4,6
1997	3,6	3,1	4,3
1998	2,3	1,8	3,0
1999	1,7	1,5	2,0

Comparison in the European Union

Employment

Rate (%)

BEL	68,0	50,4	59,2

Unemployment

Rate

BEL	7,8	10,7	9,1
DEN	4,5	6	5,2
GER	8,3	9,3	8,8

DEN	81,2	71,6	76,5
GER	72,4	57,1	64,8
GRE	70,8		55,3
SPA	67,9		52,5
FRA	67,5	40,6	60,4
IRL	73,6	37,6	62,5
ITA	67,1	38,1	52,5
LUX	74,4	48,5	62,5
HOL	80,3	61,3	70,9
AUS	76,7	59,7	68,2
POR	75,8	59,4	67,4
FIN	69,1	63,4	66,3
SWE	74,0	70,3	72,2
U.K.	76,9	63,7	70,4
E.U. Average	71,6	52,9	62,2

SPA	11,2	23,0	15,9
FRA	9,6	13,3	11,3
IRL	5,8	5,5	5,7
ITA	8,7	15,6	11,3
LUX	1,7	3,3	2,3
HOL	2,3	4,7	3,3
AUS	3,3	4,5	3,8
POR	3,9	5,2	4,5
FIN	9,8	10,7	10,2
SWE	7,2	7,1	7,2
U.K.	6,7	5,3	6,1
E.U. Average	7,9	10,8	9,2

GER	8,3	9,3	8,8
SPA	11,2	23,0	15,9
FRA	9,6	13,3	11,3
IRL	5,8	5,5	5,7
ITA	8,7	15,6	11,3
LUX	1,7	3,3	2,3
HOL	2,3	4,7	3,3
AUS	3,3	4,5	3,8
POR	3,9	5,2	4,5
FIN	9,8	10,7	10,2
SWE	7,2	7,1	7,2
U.K.	6,7	5,3	6,1
E.U. Average	7,9	10,8	9,2

In unemployment protection, Decree-Law number 119/99 of 14 April, introduced innovative measures, namely the following:

- enlargement of the period of concession of unemployment subsidy;
- new conditions of attributions of retirement pensions
- creation of the partial unemployment allowance for beneficiaries who, while receiving their unemployment allowance obtain a part time job conditions of attribution of retirement pensions;

2. Social security

Decree-Law nº307/97, of November 11 (VII) determined the application of the principle of **equal treatment between men and women in the professional systems of social security,** namely the ones that ensure protection against risks of illness, disability, old age, including early-retirement, accidents at work, professional diseases, unemployment, and social welfare and family allowances. These systems take the form of allowances aiming at complementing allowances granted by social security or at replacing them, whether the registration in theses systems is compulsory or not.

The non compliance of the obligations established by this legislation as well as the non elimination of existing discriminations in the professional systems, constitute a court procedure punishable with fines varying from 10 000 to 1 000 000 pte. The Regional Social Security Authorities are competent to apply these fines.

Furthermore, important measures of a technical and normative nature within the scope of the specific regulation of death allowances have been adopted, and a global reformulation of the legal system that was in force was undertaken, through the introduction of various improvements, the most important of which is the application of the principle of equal treatment between men and women.

The aforementioned legislation transposed into national jurisdiction Directive nº96/97/CE, of the Council of Ministers of the European Union, of December 20.

Law nº19-A/96, of June 29, regulated by Decree-Law nº196/97, of July 31, should also be mentioned. It establishes the first legislative framework aimed at guaranteeing the right to a minimum income.

Despite the fact that this right has a very wide field of application, the number of women benefiting from it is very significant.

The guaranteed income consists of a cash benefit, attributed by the non-contributive system, which is granted in close co-operation with social integration programmes.

The right to this benefit is granted to persons legally residing in the national territory, whose income, their own or of others residing in the family household, are inferior to the established limit. The concept of family household includes the spouse or the person who has lived in a common law marriage for more than a year, or underage relatives.

In 2000, entered into force the new basis law of solidarity and social security, culminating a transformation process of Social Security System which has begun in 1996, with the **Law of the Guaranteed Minimum Income.**

Such as the previous law, the principle of the equality, considered as the non discrimination of beneficiaries for any reason, namely on the grounds of sex, is established in the Law number 17/2000 of 8th August.

In what concerns to the guaranteed minimum income, already previously related, in 2000 some changes were introduced according to the needs detected in the period of application from disposals of Decree-Law number 196/97 of 31 July.

Some of those changes regard the insertion component of this measure aiming to adjust programs to the situation of the people concerned and their family with a view to create conditions to an autonomous social and economic life of these people.

3. Security, Hygiene and Health at Work

National legislation related to **security, hygiene and health at work** is contained in Decree-Law nº441/91, of November 14, which lays out a set of basic principles related to the promotion of security, hygiene and health at work, by seeking the implementation of a

general programme on the prevention of professional risks with the objective of securing the right of workers to work in conditions of security, hygiene and health protection.

Although Decree-Law nº441/91 has a general scope of application, as it covers workers in the employment of third parties or freelance workers, of the public and private sector, it foresees the adoption of complementary legislation to cover groups of workers especially prone to certain risks, namely pregnant women.

With the objective of regulating both the aforementioned legislation and Law nº17/95, of June 9, related to the protection of maternity and paternity, Government Order nº229/96, of June 26 (VIII) was published, thereby establishing special conditions for security and health in the workplace for this group of female workers.

This Government Order indicates a list of agents (physical, biological and chemical) and processes susceptible of entailing specific risks, conditioning or forbidding the exercise of these activities on the part of pregnant, puerperal and breast-feeding women.

The evaluation of the nature, degree and duration of the risks of exposition to these female workers must be carried out by the employer, who must adopt the necessary measures to avoid the exposition to the identified risks, by means of proceeding, namely, to the adaptation of working conditions, the allocation of other tasks compatible with the professional status and category of the woman or grant work leave to female workers, during the length of time necessary to avoid being exposed to risks.

In this case, in the terms of Decree-Law nº333/95, of December 23, all the rights of the female worker are maintained and an allowance, equivalent to 65% of her salary, is allocated to her. However, if the female worker is an official of central, regional or local public administration, the value of this allowance is equivalent to the global salary in accordance with Decree-Law nº194/96, of October 16.

Law nº17/95 also establishes specific measures related to **pregnant and breast-feeding women working nightshifts**. Thus, pregnant workers are dispensed from working nightshifts for 112 days before and after giving birth and, at least, half of such leave should be taken before the expected date of birth.

However, women can be dispensed from working nightshifts during pregnancy or breast-feeding, if a medical certificate so requiring it is submitted, in view of the health needs of the woman, the unborn child or baby.

During the period in which they are dispensed from nightshifts, a compatible dayshift will be attributed to pregnant or breast-feeding women, or, when this is not possible, they will be dispensed from work, with no loss of rights, and are entitled to an allowance according to Decree-Law nº333/95 and 194/96.

Still in the context of this matter, some other guidelines must be mentioned:

- Governmental Orders nº197/96 and 198/96, of June 4, which regulate the minimum conditions of security and health in the work place and work position for the extractive industries using perforation techniques and operating in the open sky or underground, and establish specific norms related to the rest period of pregnant and breast-feeding women in adequate conditions; Government Order nº229/96, of June 26, that establishes the agents, processes and conditions of work which are prohibited or conditioned to pregnant, puerperal and breast-feeding women.
- Law number 100/97 of 13 September, instituted a new legal regime to the protection of work accidents and occupational diseases, with a view to assure adequate conditions of repairing damages and to adapt the respective legal regime to the evolution of labour reality and to the jurisprudence and international conventions.
- Decree-Law 429/99 of 21 October, instituted the Program Safe Work and regulated the terms of the reduction of tax-paying applying to small and medium-sized enterprises as an incentive to the good practises in the field of safety, hygiene and health at work.

ARTICLE 11, Nº2

National legislation prohibits **dismissals on unfair grounds**, which include dismissals for reasons which go against the principle of equal treatment between men and women as established by the Constitution.

On June 9, 1995, **Law n°17/95, of April 28** (Annex II) was published and introduced alterations to Law n°4/84, of April 5, concerning the protection of maternity and paternity.

In terms of Law n°17/95, the dismissal of pregnant, puerperal and breast-feeding women is assumed to be made on unfair grounds, and it is up to the employer to refute this presumption in court.

Moreover, in cases where the legal termination of the work contract is allowed, and is desired by the employer of the pregnant, puerperal or breast-feeding woman, the Commission for Equality in Work and Employment is required to draw up a favourable opinion as established by Article 18 of the **Law on Protection of Maternity and Paternity**.

This Law not only increased the duration of maternity leave and established protection measures for pregnant, puerperal and breast-feeding women, but also regulated the legal framework for special childcare leave, and prohibited the dismissal of these female workers, in cases where the employer has not previously obtained a favourable report on the dismissal from the Commission for Equality in Work and Employment. Furthermore, this Commission only gives a favourable opinion when it concludes that the dismissal is not directly or indirectly motivated by pregnancy, and does not thereby constitute a discriminatory measure.

In the follow up of Law n°17/95, various legal diplomas were passed in order to regulate the new legal framework for the protection of maternity and paternity, in particular Decree-Law n°332/95, of December 23 with regard work relations in the private sector and Decree-Law n°194/96, of October 16 in relation to Public Administration employees.

Law n°17/95 increased the duration of maternity leave to 98 consecutive days, 60 of which must be taken after the birth. The remaining days may be enjoyed, totally or partially, before or after birth. This period can be increased by 60 days, in case of clinical risk requiring hospital admission. Moreover, the enjoyment of at least 14 days of maternity leave is obligatory. The father, in cases of the mother's physical or psychological incapacity or death, can take the right to maternity leave or when the parents commonly agree to do so.

In the case of adoption of minors under the age of 3, the adult who has applied to become an adoptive parent has the right to a childcare leave of 60 consecutive days.

For all legal effects, maternity leaves are considered to be effective work, namely with regard seniority and meal vouchers. With regard to pay, Public Administration employees of either sex receive their full salaries, whereas male and female workers covered by the legal framework of an individual work contract are entitled to their average wage, to be paid out by the Social Security System.

Moreover, **Law n°18/98 of April 28**, enhances the protection of maternity and paternity covered by Law n°4/84, as enunciated in Law n°17/95, and increases the duration of maternity leave to 120 consecutive days, 90 of which must be after the birth. The new law also establishes an increase of 30 days of leave for each twin other than the first, in cases of multiple births.

The same law introduced changes to the **parental leave** legal framework, now renewable up to 3 years in case of the birth of a third child, and bears effects for the calculation of pensions attributed for disability or old age. Employers are also responsible for finding adequate solutions in the field of vocational training for the workers (male and female) who return to work after taking parental leave.

Law 142/99, of 31 August, introduced important improvements on the regime for the protection of maternity and paternity, namely the following:

- Increase the duration of *paternity leave* (5 days);
- *Parental Leave*, as an important means of reconciling professional and family responsibilities and promoting equal opportunities and treatment between men and women. This leave, for men and women workers, can be enjoy for three months until the child be age up to six years.

Decree-Law n°333/95, of December 23 established the adaptation of the social security system to the new alterations, of which should be mentioned the creation of allowances for specific risks for pregnant, puerperal and breast-feeding workers, resulting from being exposed to agents, processes and conditions of work as well as nightshift work that may

entail health risks for the mother and the child, as well as a special care allowance for ill and disabled persons, who are descendants of the beneficiaries.

With regard to the concession of a special care allowance for ill descendants under 10 years of age, the exclusive exercise of paternal power on the part of one of the parents has ceased to be mandatory, thereby allowing the access of single parent families to this allowance.

Law n°102/97, of September 13, was published and established the right to a **special leave for assistance to disabled and chronically ill persons**, as well as indicating the allowance to be granted to the parents who exercise this right.

Regional Social Security Authorities, Private Institutions of Social Solidarity and Social Support and non-profit establishments, have developed and ensured activities in the sphere of social support, adjusted to local socio-economic needs.

Thus, these entities provide childcare services during the parents' working hours, by means of the services of child-carers, nurseries, kindergartens and leisure activity centres.The use of these services and social equipments is subject to the payment of a user fee which takes into account the income of the family household. In cases of economic difficulties, no fee is required.

In 1999, within the priorities of the Government in favour of the people with more serious social needs, a dependency complement was created that came to improve the protection already guaranteed by the subsidy for assistance to third person.

In 2000, **Decree-Law n.92/2000 19 May** established the right to an allowance to those suffering from oncological diseases.

In the same year, **Decree-Law n.327/2000 of 22 December**, reinforced the protection in case of invalidity to the people with multiple sclerosis.

Specific projects and activities aimed at women, carried out by the Commission for Equality and Women's Rights.

CEWR carried out from 1993 to 1995 the "**Wish Me Well Project**", as part of the Programme NOW of the Community Initiative "Employment and Development of Human

Resources". Within the scope of this project, it opened Women Information Centres in five municipalities of the country, aiming at:

1 – Supporting women:

- In the identification of their personal and professional skills, in the definition of their interests and the application of lifelong acquired competencies in the professional sphere;
- In the search for vocational training suited to their individual case;
- In the search for employment;
- In the clarification and setting up of projects for self employment or other economic activities.

2 – Promoting the progressive involvement and co-operation between public and private entities, at the local and regional level, for a better use of available resources, with the aim of facilitating the professional (re)integration of women in regular employment and/or work able to generate income and foster their increased participation in local and regional development.

3 – Producing information and pedagogical materials aimed at the creation of further "Women Information Centres" in other municipalities.

The project undertook the training of the staff of these "Centres", aiming at the integration of the project's objectives and functional activities; it identified the development resources and strategies of each municipality involved and established co-operation networks with local and regional entities for the implementation of common actions able to enhance an improved professional (re)integration of women

Apart from the numerous unpublished informative and formative material, the project led to the creation of a new series published by the CEWR – the "Wish Me Well" series, aimed at the publication of studies, information/sensitisation and pedagogical materials which target the professional (re)integration of women, the improvement of their professional status and

the development of their careers. Thus, this series is especially concerned with training, employment and equal opportunities.

Up to the present, five titles which are based on the practical field work experience of the project have been published.

A video – "*Women Information Centres*" (CIDM, 1995) was also produced, with the aim of sensitising public and private entities which are potential providers of support services for the professional (re)integration of women, for the need for this type of structure at a local level.

In 1996/97, the CEWR implemented the **TRAMPOLIM Project**, also integrated in the Programme NOW of the Community Initiative "Employment and Development of Human Resources", with the objective of informing and sensitising the municipalities of the two Autonomous Regions of the country, as well as other local agents, for the setting up of networks of local facilitators on issues relating to the promotion of equal opportunities and, particularly, on the status of women in society and their integration in the labour market, on an equal opportunities basis, within a perspective of regional development.

The project organised seminars in various municipalities of the Autonomous Regions and led to the implementation of Equality Mechanisms in these Regions as mentioned in Institutional Mechanisms.

Since 1998, the **TRAMPOLIM/REDA Project** aimed, essentially, at the creation of a National Network of Equality Counsellors at the municipal level, as well as a network of "Information Centres", aimed at the professional (re)integration of women, to be opened in municipalities of Continental Portugal and the Autonomous Regions.

With this project, the CEWR has seeked to:

1 Inform and sensitise municipalities:

- on equal opportunities and their decisive role in the Implementation of a Global Policy on Equal Opportunities,
- for the need to create "Women Information Centres", which contribute to promote equality between women and men in the labour market, by providing support to

women in their individual job search, training or creation of self-employment, or other types of economic activities, and increase and make their participation visible in local development

- for the effective implementation of an Equal Opportunities policy at the municipal level (mainstreaming gender), through the availability of equipment, staff and the necessary budget for its implementation, namely through the appointment of a person responsible for equality at the municipal level.

2 Produce and test methodologies, training modules, as well as informative and pedagogical instruments and materials, provided the technical staff of the municipality, with the capacities to:

- create, set up and manage "Women Information Centres",
- enable them to promote the professional (re)integration of women and develop the activities inherent to this type of services among its users,
- sensitise the public and private socio-economic actors, at the local and regional level, on Equal Opportunities, as well as on co-operation in the search and implementation of appropriate solutions for the specific needs of women and their environment,
- undertake the task of being responsible for Equality at the municipal level

3 Develop the competencies of the technical staff who work in structures of support for the professional (re)integration of women, aiming at the professional recognition of this function

4 Increase the number of "Women Information Centres" at national level, improve the quality of their services and activities, as well as their strategies

5 Create a national network of "Women Information Centres" and of persons responsible for Equality, in order to:

- share information and experiences, improve their capacity to answer the specific needs of women and their environment, improve the quality of their activities and, finally, enable them to work closely with the CEWR, in co-operation with its staff and the socio-economic agents at the municipal level, and namely with Employment Offices and enterprises, with regard Equal Opportunities

6. Insert the activities of this National Network in an European Network of projects which aims at promoting Equal Opportunities between Women and Men in the labour market and that already covers five countries (France, Spain, Austria, Greece and Italy), thus allowing for

   - The transfer and joint production of instruments and methodologies for training and work,
   - To encourage contact and co-operation between similar facilities operating in various member-states of the European Union,
   - Develop common standards for the functioning and quality of these facilities,
   - Value and disseminate innovative actions and share experiences and skills.

This project has trained about 40 Equality Counsellors, appointed through the Protocols established between the project and the various municipalities, with the aim of integrating Equal Opportunities in the policies and activities implemented in their municipalities, as well as providing the technical staff of the municipalities with the capacity to create "Women Information Centres"

ARTICLE 12

In Portugal there are no obstacles to equality between women and men in the access to health care services, including those related to family planning. During the time period in reference, the following measures were adopted:

- **Law n°90/97, of July 30, alters the legal limits for the voluntary interruption of pregnancy with a new text on Article 142 of the Penal Code**. In accordance with the present Law, the interruption of pregnancy is not punishable if carried out by a medical physician, or under his/her direction, in an official or officially recognised establishment, with the agreement of the pregnant woman, in those cases where, to the best knowledge and experience of medical science:
  - it constitutes the only means to avoid the risk of death or serious or irreversible harm to the body or to the physical or psychological health of the pregnant woman,

- it is indicated to avoid the risk of death or serious and durable harm to the body or the physical and psychological health of the pregnant woman and is carried out in the first 12 weeks of pregnancy;
- there are serious grounds to expect that the unborn baby will suffer from an incurable disease or a congenital malformation, and is carried out in the first 24 weeks of pregnancy, proven by ecography or adequate means, in accordance with *leges artis*, with exception of cases of unfeasible embryos, in which cases the interruption can be carried out at all times;
- it is established that the pregnancy is the result of a crime against sexual freedom and self-determination and the interruption is carried out in the first 16 weeks.

- **Government Order n°189/98, of March 21**, establishes the procedures to adopt for this effect in the cases and circumstances referred to in article 142 of the Penal Code.

- **Law n°17/95, of June 9, and Law 18/98, of April 28,** on the **Protection of maternity and paternity** (see Article 11, n°2).

- **Dispatch n°5411/97, which sets up a national network for the pre-natal diagnosis of congenital anomalies and malformations**. All couples at risk have free access to a Pre-natal Diagnosis. In this context, measures have also been taken in order to implement and normalise the provision of pre-conception care, in order to reduce the medical risks associated to pregnancy and the number of non-monitored pregnancies.

The Ministry of Health is committed to the application of existing legislation regarding **Family Planning**, and established in its "1998-2002 Health Strategy" specific targets with reference to the use of contraceptives and the reduction of teenage pregnancies.

Also within the scope of the "1998-2002 Health Strategy", a protocol of collaboration between the Direction-General of Health and the Commission for Equality and Women's Rights was signed, with the objective of informing/training health professionals in order to detect, support and assist women victims of violence and children and teenagers victims of ill-treatment and sexual abuse.

- A protocol between the Direction-General of Health and the Family Planning Association was signed for the production of information material in the area of sexual education/information aimed at young people, parents and teachers

- A Telephone Hotline has been created, for which the Commission for Women and Children's Health is responsible, providing information on contraception, cancer screening, sexually transmitted diseases or infertility

- Another Hotline, called SOS Pregnant Woman, run by the Private Institution of Social Solidarity called "Mother's Help" was set up Besides the telephone support, this institution has already opened a counselling service, a home for pregnant women over the age of 25, a Pregnant Woman Centre, and more recently, a temporary residence for pregnant teenagers

Laws number 120/99 and 259/2000 reaffirms the rights of reproductive health and regulate national health services intervention in Family Planning activities

In regard to family Planning it is calculated that 80% of women in fertile age group are now using secure contraceptives

As for AIDS, since 1983, we have 6482 cases of infected males and 1269 females We have no numbers of HIV carriers since the declaration of the positive text is not mandatory

Prevention and control of violence against children, women and elderly is a priority area specifically mentioned in that strategy document Training of health professionals has been performed in this scope

The Ministry of Health published *"A Saúde da Mulher"* (Women's Health), a general view about women health in the country

The Ministry of Health has created a financial program *"Desigualdades em Saúde"* (Health Inequalities) aiming at support projects which push for equality in health

ARTICLE 13

a) The national social security system ensures equality between women and men in the access to all family benefits, in both the general and the non-contributive system

Situations covered by the **general system** are the following

Illness – Financial allowance of 65% of the average wage, generally awarded for a maximum period of time up to 1095 days.

Maternity – Financial allowance of 100% of average wage for a 120 day leave

Unemployment – implemented through an unemployment allowance (65% of average salary) and an unemployment social allowance (variable amount, depending on the family household of the beneficiary)

Family responsibilities – child and young people's allowance, allowance for attendance at special schools, life-long monthly allowance, allowance for the care of a third party and funeral allowance

Disability – Pension for those with a permanent incapacity to work

Old age – Retirement pension allocated to the beneficiary who has reached the legal minimum age presumed as appropriate for the cessation of the exercise of professional activity. An allowance for the care of third parties can be added to disability and retirement pensions

Decree-Law nº329/93, of September 25, establishes the same retirement age for men and women at 65 years and fixes a transition period of six years for its gradual introduction through a 6 month yearly increase in the age limit for the retirement of women (which had previously been 62)

Death – Pension for surviving spouse (to which an allowance for the care of third parties can be added) and death allowance

Professional Diseases – Compensation and pensions in cases of temporary or permanent disability, caused by professional diseases

The **non-contributive system** covers national citizens and, in certain circumstances, refugees, stateless persons and foreign residents, who are not covered by the general system and who are in a situation of economic difficulty

The protection scheme established by the **non-contributive system** covers the following benefits:

- Children and young people's allowance,
- Allowance for attendance at special schools,
- Orphanhood allowance,
- Social pension for old age or disability,
- Allowance for the care of third parties,
- Social equipments

Employees of the Central, Regional and Local Administration have an autonomous social protection system with a similar scope of material application.

For information on equality in social security and on the Guaranteed Minimum Income, refer to Article 11, n°1, Social Security.

b) From a formal point of view, there are no legal, institutional or regulatory obstacles to the access of women to bank loans, mortgages, and other types of financial credit. However, there is no statistical data to evaluate the differences between women and men in this area.

Recently a National Association for the Right to Credit has been set up, with the objective of facilitate small loans,(micro-credit) to little entrepreneurs. Their users are mostly women.

c) The **Global Plan for Equal Opportunities** establishes in the Measure 8 of Objective 1 *"To encourage equality between women and men in sports policy"*

Although in the last few years the participation of women in sport has increased, as well as the possibilities that are offered to them to participate in national and international sport events, this tendency is generally not observed in decision-making and managing positions with regard to feminine representation.

Women are clearly under-represented, particularly at the highest decision-making levels, managerial positions, organisation of sport competitions, training and refereeing.

In this context and considering the steps that have recently been taken in relation to this issue, it is important to draft a national plan of equality in sports policy which takes into account already existing conditions, both at national and international level.

In order to promote equality among women and men in sports, at all levels and in all functions and spheres of competence, the most recent international text, widely recognised as a fundamental document, is the *Brighton Declaration* (1994).

At the governmental level, and as a member of the Council of Europe, Portugal has adhered to the principles of the Brighton Declaration, within the scope of the texts adopted by the 8th Conference of the Sports Ministers of the Council of Europe, which took place in Lisbon, in 1995.

Portugal has also collaborated actively in the projects of the Council of Europe which take on this issue, by organising a Seminar within the SPRINT project on "The contribution of sports for a democratic society" (Lisbon, 1996), and where the participation of women in sporting spheres was one of the issues examined.

At a non governmental level, the first initiative that took place in Portugal on this issue was the first Conference on "Women and Sport", organised in November 1996, in Lisbon, by the Women's Democratic Movement (NGO) and the Sports Department of the Lisbon municipality, with the participation and support of the EWS (European Women and Sport Group), with the main objective of analysing the particular situation of women in the Portuguese sports system.

This Conference approved the Brighton Declaration, produced a Proclamation aimed at the Government, sport organisations (sport federations, Olympic Committee and Confederation), non governmental women's organisations and universities, and reiterated the need for the creation of a structured and autonomous organisation.

Moreover, in the aftermath of this Conference, the foundation was laid for the creation of the "Portuguese Association of Women and Sport", which was formally constituted on February 6, 1998. The objective of this Association is the promotion of equality and the participation of women in sports at all levels, positions and areas of competencies.

ARTICLE 14

Despite the fact that in Portugal the primary sector has lost weight in the economy, the women who work in agriculture still constitute an important share of the female labour force (14 1%% in 2000), agriculture being a highly feminised sector (in the same year, women represented 52 4% of the agricultural sector). Regarding their status, 81 2% are self-employed with no personnel at their service, 8% work for a family member, 9 5% work for a third party and 1 1% are self-employed and have paid personnel

The **legislative measures** taken in the period under reference are the following

- **Decree-Law n°339/90, of October 30,** which created the figure of the Recognised Agricultural Family Business, thereby legalising the figure of "family member labour" in agricultural activity, and recognising the rights of these family members who, notwithstanding their contribution, through manual work or collaboration in administrative tasks and management, to the agricultural activity, were up to then unprotected

- **Dispatch n°53/97**, which established the application framework of the "Training and Education" measure It includes in its priority criteria that they must follow the objectives of equal opportunities policy, namely the promotion of women to new professional areas

- **Dispatch n°10271/97**, which approved the regulation of the application of that measure and requires that in order to have access to funding, training entities must comply with legislation on non-discrimination at work and in employment, namely on the basis of gender It includes equal opportunities in its criteria for the analysis of the plans and of the various funding requests

These two legal diplomas have contributed to the development of technical and social competencies, providing for an increased participation of women in the process of rural and agricultural development, and for the elimination of discrimination against women

- **Government Order n°195/98,** regulating aid to replacement services. By granting aids, the creation of conditions that allow for the temporary replacement of those working in the agricultural activity can be achieved: entrepreneur, spouse and permanent workers, namely in the case of illness, accident, maternity, vocational training or holidays.

According to information provided by the Ministry of Agriculture, the Portuguese Women Farmers Association, a non governmental organisation, continues to develop a constant activity in the promotion of women farmers, namely through the following actions:

- "Rose and Acacio" project - for the prevention of professional risks in agriculture, targeting children of the rural world.
- The "Participation of women in decision-making processes in the rural and agricultural world" – study
- Project of the Force Programme on Agri-Tourism implemented in two phases:
  - "Professional qualifications in agri-tourism"
  - Production of a training module for "Training of Trainers"
- "The present situation and future perspectives of the professional qualifications of the women farmers in southern Europe" – Project of the Force Programme
- "Women Farmers" – Project covered by transitory measures of Force-Leonardo
- "Connecting women in the periphery" – NOW Project.
- "Self employment for women in rural areas" – Project covered by the Leonardo Programme.
- "Guide of good practice in the field of access of women to education and vocational training in agricultural areas"
- "Old people in rural and agricultural areas" – study in conjunction with COPA
- Women, Information and Rural Development – Project within Leader II framework developed in partnership with the Ministry of Agriculture

The PWFA also provides general consultancy services to its associates.

It promoted the following seminars:

- "Family, women and voluntary work contribution for the development of the rural world"
- "Non formal education and continuous training of the woman farmer"
- "Women and voluntary work civic and responsible participation in local development"
- "Connecting Women in Rural Areas" - International NOW Project Seminar

The PWFA also promotes regular meetings for the sharing of experiences between women farmers

It has published the following publications

- "Women Farmers in Portugal - a possible picture" (study)
- "Women and Family in Portuguese Agricultural Exploitation"
- "Bulletin of the PWFA" - bi-annual publication
- Monthly publication of a newsletter
- Produces information leaflets

It has broadcasting time on radio and television

ARTICLE 15

The Constitution and Portuguese Law **establishes equality for women and men before the Law**, without exception, apart from the aforementioned ones on military service. In practice, deviations from this norm continue to exist, namely in the area of work and employment, in family life and in participation in politics and public life

ARTICLE 16

The Constitution and Portuguese Law **establish equality between women and men before the Law,** without exception, in all matters relating to **marriage and family relations**. In practice, the existence of social prejudices and stereotypes, as well as the persistence of

family violence against women and the lack of effective mechanisms for their protection, considerably affects the status of women in the family and in marriage

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